

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Hannah Coleman	Team: Team # 2	CCRB Case #: 200615042	<input checked="" type="checkbox"/> Force <input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> Discourt. <input type="checkbox"/> O.L.	<input type="checkbox"/> U.S. <input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 11/11/2006 3:30 AM	Location of Incident: Carmine Street & Bleecker Street		Precinct: 06	18 Mo. SOL 5/11/2008	EO SOL 5/11/2008
Date/Time CV Reported Sat, 11/11/2006 3:56 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 11/11/2006 3:56 AM		

[illegible][illegible]

Subject Officer(s)	Shield	TaxID	Command
1. POM David Sansone	02861	939414	006 PCT

Subject Officer(s)	Shield	TaxID	Command
2. Officers			
3. POF Nelida Flores	29008	901552	006 PCT
4. POM Kevin Odonnell	17054	924725	006 PCT
5. POM William Bedell	14730	894531	006 PCT
6. An officer			
7. POM David Taylor	10760	939559	006 PCT
8. POM Kevin Mulcahy	14834	898135	006 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM David Sokoloff	12615	939499	006 PCT
2. POM Matthew Ramsingh	08056	934095	006 PCT
3. POM Louis Maniscalco	25218	919335	006 PCT
4. SGT Anthony Reyes	00949	904879	006 PCT
5. LT Michael Casey	00000	896271	006 PCT
6. POM Drew Palmer	22535	893490	006 PCT
7. POF Charmain Carrylhockaday	01271	939978	006 PCT
8. POM Demetrios Kola	07439	938784	006 PCT
9. POM Zeke Buttermark	01765	933665	006 PCT
10. POM Richard Rainero	30940	937325	006 PCT
11. POM Markian Kopystianskyj	16425	936884	006 PCT
12. POM Michael Carreras	00147	938173	006 PCT
13. POM Arthur Leahy	18943	940367	006 PCT
14. POM Arthur Waldhelm	27870	901024	006 PCT
15. POM Michael Gandolfi	12931	938525	006 PCT
16. POM Andrew Smith	05036	939485	006 PCT
17. POM Jesse Ankele	18074	927867	006 PCT
18. POF Jessica Luffi	04393	927790	006 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers used physical force against § 87(2)(b) and unknown individuals.	
B.POM David Sansone	Force: Officer David Sansone used physical force against § 87(2)(b)	
C.POM David Sansone	Discourtesy: Officer David Sansone spoke rudely to § 87(2)(b)	
D.POM William Bedell	Force: Officer William Bedell used physical force against § 87(2)(b)	
E.POM David Taylor	Force: Officer David Taylor struck § 87(2)(b) with an asp.	
F. An officer	Discourtesy: An officer spoke rudely to § 87(2)(b) and unknown individuals.	
G. An officer	Abuse: An officer threatened to arrest § 87(2)(b) and other unknown individuals.	
H. Officers	Force: Officers struck § 87(2)(b) and unknown individuals with asps and/or nightsticks.	

Officer(s)	Allegation	Investigator Recommendation
I.POM Kevin Mulcahy	Force: Officer Kevin Mulcahy used physical force against § 87(2)(b)	
J.POM David Taylor	Force: David Taylor used pepper spray against unknown individuals.	
K. Officers	Force: Officers used pepper spray against unknown individuals and § 87(2)(b)	
L.POF Nelida Flores	Force: Officer Nelida Flores used pepper spray against § 87(2)(b) and § 87(2)(b)	
M.POF Nelida Flores	Force: Officer Nelida Flores used pepper spray against unknown individuals.	
N.POF Nelida Flores	Discourtesy: Officer Nelida Flores spoke rudely to § 87(2)(b)	
O. An officer	Abuse: An officer refused to provide his shield number to § 87(2)(b)	
P.POM Kevin Odonnell	Force: Officer Kevin Odonnell used physical force against § 87(2)(b)	

Synopsis

At approximately 3:00am on November 11, 2006, § 87(2)(b) was eating with a group of friends at Abitinos Pizza on the Northeast corner of Carmine Street and Bleecker Street in Manhattan. Around that time, a party was ending in the basement of Our Lady of Pompeii Church, located on the Northwest corner of the intersection. As partygoers exited, a fight broke out in the Carmine Street /Bleecker Street intersection involving a number of individuals including § 87(2)(b) and § 87(2)(b) and possibly § 87(2)(b) and/or § 87(2)(b). Officer Nelida Flores, a few blocks away on summons duty, saw the commotion at 3:22am and radioed in a report of a dispute. There were between 100 and 200 people in the street.

Officer Kevin Mulcahy and Officer Matthew Ramsingh responded to the scene first, driving East on Carmine Street to the Bleecker Street intersection. Officer Mulcahy and Officer Ramsingh exited their vehicle and broke up a fight occurring on the Southwest corner of the intersection. Officers Mulcahy and Ramsingh requested additional units to the scene. Officer Flores arrived around that time, parking South of the intersection on Bleecker Street. More officers arrived and additional fights broke out on the Northwest and Northeast corners of the intersection as additional people spilled into the street. § 87(2)(b) leaving the party with a group of friends and her husband, § 87(2)(b) started fighting with an unknown female near the East side of the intersection. § 87(2)(b) left his table at Abitino's Pizza to try and pull § 87(2)(b) and her combatant apart. An unknown officer dragged § 87(2)(b) to the ground (**allegation A**) and a group of officers—including Officer William Bedell, Officer Louis Maniscalco, Officer Matthew Ramsingh, Officer Kevin Mulcahy, Officer David Taylor, and Officer David Sansone—tried to pull § 87(2)(b) and the other female apart, for § 87(2)(b) and the unknown female continued clutching at each other once on the ground. § 87(2)(g) Officer Sansone allegedly shoved § 87(2)(b) forcefully backwards when § 87(2)(b) attempted to explain that he was only trying to break up the fight (**allegation B**). Officer Sansone allegedly told § 87(2)(b) to “get the fuck out of here” (**allegation C**).

Officer Bedell stood with his foot on § 87(2)(b)'s back (**allegation D**). Officer Taylor, in an attempt to gain § 87(2)(b)'s compliance, struck her in the legs with his asp (**allegation E**). § 87(2)(b), § 87(2)(b)'s brother, was in the area and allegedly heard an officer telling a group of females standing around § 87(2)(b) “Get the fuck away” (**allegation F**) and, “What, you want to be on the fucking floor with her?” (**allegation G**).

Observing his wife on the ground, § 87(2)(b) pushed Officer Bedell in an attempt to move Officer Bedell off § 87(2)(b). § 87(2)(b) was taken to the ground by numerous unidentified officers (subsumed by allegation A), who allegedly struck him repeatedly with nightsticks (**allegation H**).

Around that time, § 87(2)(b) approached the area where § 87(2)(b) lay and, through disputed circumstances, was forcibly arrested by Officer Mulcahy (**allegation I**) and multiple unknown officers (subsumed by allegation A). § 87(2)(b) was allegedly struck repeatedly with nightsticks by multiple unknown officers (subsumed by allegation E). At some point during the initial fight or his struggle with police, § 87(2)(b) suffered a cut to his head that required several staples to close § 87(2)(g). While § 87(2)(b) was being arrested, Officer Taylor grabbed § 87(2)(b)'s shirt and injured his finger when § 87(2)(b) turned around and Officer Taylor's finger was caught in the fabric of § 87(2)(b)'s shirt § 87(2)(g).

A crowd of people approached the officers who were gathered around § 87(2)(b) and her unknown female combatant. Officer Taylor discharged his pepper spray towards the crowd (**allegation J**). § 87(2)(b) and his companions were ordered to leave the scene and told to walk North up Bleecker Street. § 87(2)(b) observed an unknown male officer striking unknown civilians with nightsticks on the West side of Bleecker Street between Carmine Street and Leroy Street (subsumed by allegation H). An unknown officer discharged pepper spray on the crowd on the Northeast corner of the intersection (**allegation K**). § 87(2)(b) and his friends were not affected. As § 87(2)(b) and his friends walked up Bleecker Street towards Leroy Street, an unknown officer approached an unknown black male walking next to § 87(2)(b) and the officer allegedly pushed the black male, causing him to stumble (subsumed by allegation A) and told him to “get the fuck out of here” (subsumed by allegation F). When the unknown male turned to see who had pushed him, the unknown officer allegedly pepper-sprayed the male from a distance of 1-2 feet (subsumed by allegation K). Across the street, on the West side of

Bleecker Street between Carmine Street and Leroy Street, unknown officers allegedly struck multiple unknown civilians with nightsticks (subsumed by allegation H) and pushed and shoved unknown civilians (subsumed by allegation A).

Lieutenant Michael Casey of the 6th Precinct arrived on the scene and directed officers, including Officer Arthur Leahy, to clear the crowd on Carmine Street. Officer Leahy went to break up a fight on Carmine Street between Bleecker Street and Bedford Street involving a number of individuals including § 87(2)(b) and § 87(2)(b). As he was doing so, one of those individuals swung his arm toward Officer Leahy. Officer Flores, in the vicinity, observed the swing and thought that individual had struck Officer Leahy. Officer Flores pepper-sprayed § 87(2)(b) and § 87(2)(b) (**allegation L**). The civilians fled, but § 87(2)(b) and § 87(2)(b) were apprehended. Officers allegedly “threw” § 87(2)(b) and § 87(2)(b) to the ground before arresting them (subsumed by allegation A). § 87(2)(b) brother of § 87(2)(b) and friend to § 87(2)(b) and § 87(2)(b) and § 87(2)(b) observed Officer Flores discharging her pepper spray on the crowd (**allegation M**). Officer Flores admittedly used her pepper spray five or six times during the course of the incident, spraying groups of § 87(2)(b) who refused to leave the scene (subsumed by allegation L). When § 87(2)(b) asked Officer Flores why she “fucking maced § 87(2)(b) she allegedly replied, “You want some of this, motherfucker? I’m gonna go get another can” (**allegation N**). § 87(2)(b) passed an unknown officer and asked him for his shield number, and the officer did not provide it, instead telling § 87(2)(b) to leave the area (**allegation O**).

§ 87(2)(b) another partygoer, had been at the party with his brother, § 87(2)(b) and his sisters, § 87(2)(b) and § 87(2)(b). § 87(2)(b) stated that he left the church in the middle of the melee and observed multiple unknown officers pepper-spraying the crowd (subsumed by allegation K). § 87(2)(b) was affected by the pepper spray, as was an unnamed friend (subsumed by allegation K). Officers told § 87(2)(b) to leave the area but he did not do so because he observed § 87(2)(b) and § 87(2)(b) being arrested. Sergeant Kevin Odonnell approached § 87(2)(b) and told him to leave. § 87(2)(b) and Sergeant Odonnell began to struggle (**allegation P**) and fell to the ground. An unknown officer allegedly struck § 87(2)(b) with a nightstick (subsumed by allegation H) and kicked him (subsumed by allegation A). § 87(2)(b) suffered a sprained right elbow.

§ 87(2)(b) and § 87(2)(b) (the party promotor and organizer) were arrested from the scene. § 87(2)(b) and another individual named § 87(2)(b) were taken into police custody and released from the 6th Precinct with summonses. Four police officers were treated at § 87(2)(b) three were treated for inhalation of pepper spray and one for a torn rotator cuff.

§ 87(2)(g)

§ 87(2)(g)

Summary of Complaint

- § 87(2)(b)

§ 87(2)(b) a § 87(2)(b)-old Hispanic female who § 87(2)(b) left a message on the CCRB's Call Processing System on November 12, 2006 (duplicate complaint #§ 87(2)(b)). She provided a telephone statement on November 20, 2006 and was interviewed at the CCRB on November 28, 2006. § 87(2)(b) was contacted for follow-up information on July 9, 2007. § 87(2)(g)

On November 11, 2006 at approximately 3:30am, § 87(2)(b) and her husband, § 87(2)(b) left a party at a Catholic church at the corner of Carmine Street and Bleecker Street in Manhattan. They had been at the church for a fund-raising party that ended at 3:30am. There was alcohol being served at the party, and § 87(2)(b) and § 87(2)(b) had both had one or two drinks over a five-hour span. There were other individuals at the party that § 87(2)(b) knew, but she and § 87(2)(b) had not come with anyone else. § 87(2)(b) was wearing a collared white button-down shirt and a knee-length skirt.

When they left the party through the front door, § 87(2)(b) observed an altercation going on between 4-6 males in the middle of the intersection of Carmine Street and Bleecker Street. Aside from the combatants, there were approximately 50-60 other people in the street watching and milling around. The area also has a number of bars and there were people standing outside of those as well. The number of civilians outside eventually increased to an estimated 100.

§ 87(2)(b) and § 87(2)(b) began to cross Carmine Street and were separated by the large number of people pushing. An unknown Hispanic female grabbed § 87(2)(b) and began pulling her hair. § 87(2)(b) defended herself by pulling the female's hair and hitting back at her. The number of people in the crowd fighting grew to between 10 and 25 people. § 87(2)(b) did not recall what the female who was fighting with her was wearing. § 87(2)(b)'s skirt had a slit in the back and the slit ripped during the fight.

After approximately 20-30 seconds, § 87(2)(b) felt someone grab her from behind by the shoulders and arms and pull her downwards. § 87(2)(b) fell to the ground on the left side of her body. § 87(2)(b) thought that two people pulled her down because of the strength with which she was pulled down, but conceded that it might have been one person. Once on the ground, § 87(2)(b) asked what was going on and heard voices telling her to "shut up" and "don't speak." At that point, § 87(2)(b) realized that the people who pulled her down were police officers. § 87(2)(b) felt one officer's foot at the top of her back between her shoulder blades, holding her down on the ground. § 87(2)(b) was unaware of what happened to the other female involved in the fight, if anything.

Officers picked § 87(2)(b) up off the ground and two of them walked her to a marked police van that had pulled up in the middle of the intersection, Officer 1¹ and another officer (identified by this investigation as Officer William Bedell)². § 87(2)(b) believed that there had been 3-4 officers standing around her when she was on the ground. Officer 1 and Officer Bedell placed § 87(2)(b) into the van. There was already one unknown individual in the van, a Hispanic male in his early 20s (identified by this investigation through police documents as § 87(2)(b) wearing a white teeshirt, who tried to calm § 87(2)(b) down and convince her to stop crying. A short time later, § 87(2)(b) was brought over to the van and was placed inside also. When § 87(2)(b) spoke to him about what happened, he told her that he saw her on the ground with an officer's foot on her back and ran over and asked the officer what he was doing. § 87(2)(b) told § 87(2)(b) that he pushed the officer to get him to let § 87(2)(b) up off the ground and that officers then began hitting him. § 87(2)(b) had not known that was going on because the scene around her was so chaotic, with a large crowd yelling and screaming. § 87(2)(b) was not sure exactly where the prisoner van that she was taken to was located but stated that it was close to the intersection. She did not recall seeing anyone getting arrested outside the van and just recalled seeing officers standing outside the windows of the van.

§ 87(2)(b) was transported back to the 6th Precinct by Officer 1 and Officer Bedell. Once inside the precinct, § 87(2)(b) waited for 20-30 minutes before being handed a summons for § 87(2)(b) by an unrecalled officer. She was then released. § 87(2)(b) § 87(2)(b) went to § 87(2)(b) to seek treatment for scrapes and bruises on her face, hands, arms, hands, knees, and legs. § 87(2)(b) was sure that the bruises were due to the officers' pulling her down and not to the fight because the bruises were concentrated on the left side of her body, where she hit the ground.

¹ white male, uniform, 25-32, 5'9"-5'10", 160-180 lbs, black hair

² white male, uniform, 35-40, 5'10"-5'11", 190-220 lbs, maybe had red hair, maybe moustache

§ 87(2)(b) explained that § 87(2)(b) did not wish to provide a statement to the investigation yet, as he has criminal charges pending as a result of the incident.

- § 87(2)(b) *Photo Viewing*

§ 87(2)(b) viewed a series of single photos at the CCRB on April 4, 2007. The photos were shown in the following order:

1. Filler	15. Officer David Sokoloff	29. Officer Richard Rainero
2. Filler	16. Officer Matthew Ramsingh	30. Officer Demetrios Kola
3. Sergeant Eric Johnson	17. Filler	31. Officer Zeke Buttermark
4. Filler	18. Officer Kevin Odonnell	32. Detective Andrew Rindler
5. Officer Robert Roman	19. Officer Louis Maniscalco	33. Sergeant Guy Petersen
6. Officer Kenneth Gorodovich	20. Officer Nelida Flores	34. Officer Michael Carreras
7. Filler	21. Officer Drew Palmer	35. Officer David Taylor
8. Lieutenant Michael Casey	22. Officer Kevin Mulcahy	36. Officer Adam Romang
9. Sergeant Anthony Reyes	23. Officer Daniel Clark	37. Filler
10. Filler	24. Filler	38. Filler
11. Officer Jonathan Hom	25. Officer Eduardo Oropallo	39. Officer Steven Bobbett
12. Officer Brian Ferguson	26. Officer Arthur Leahy	40. Officer Yolanda Choy
13. Lieutenant Joseph Rositano	27. Officer Douglas Lee	41. Officer Anthony Parisi
14. Officer David Sansone	28. Officer William Bedell	42. Officer Marvin Johnson

§ 87(2)(b) identified Officer Jonathan Hom (#11) and Officer Nelida Flores (#20) as officers she spoke to in the precinct who were very kind to her. She identified either Officer William Bedell (#28) or a filler officer with a very close resemblance (#24) as one of the officers that arrested her. She thought that one of two filler officers (two white male lieutenants, #37 and #4) was on duty at the stationhouse when she was brought in, and stated that she thought she recalled that officer with glasses.

§ 87(2)(b) thought that she might have seen Officer David Sansone (#14) or Officer Anthony Parisi (#41) inside the precinct. § 87(2)(b) picked Officer Anthony Taylor and stated that he might have been one of her arresting officers or might have been inside the precinct.

§ 87(2)(b) was contacted via telephone on August 8, 2007, at which point she declined to view additional photos, stating that she did not think she could make any more identifications.

- § 87(2)(b)

§ 87(2)(b) left a message on the Call Processing System at 3:56am on November 11, 2006. He provided a telephone statement on December 4, 2006 and was interviewed at the CCRB on December 6, 2006. § 87(2)(b) is a § 87(2)(b)-old black male who § 87(2)(b)

§ 87(2)(g)

On November 11, 2006 at around 3:30am, § 87(2)(b) was sitting at an open-air pizza restaurant at the corner of Bleecker Street and Carmine Street with his girlfriend § 87(2)(b) his friend § 87(2)(b) and § 87(2)(b)'s date § 87(2)(b) (last name unknown). As they ate, § 87(2)(b) noticed a large crowd of teenagers coming out of a church across the street. The teens stood congregated outside for approximately one hour, and then appeared to be approached by another group of teens. The second group engaged the first, and some boys began to fight in the middle of the street (see #1 marked by Inv. Coleman on the diagram drawn by § 87(2)(b) during his interview). Around the same time, another group of boys started fighting across the intersection (see #2). There were an estimated eight boys fighting and a crowd of approximately 50-80 spectators.

Police officers arrived at the scene a few minutes after the fight began and did "a good job" of separating the boys. Officers then began attempting to disperse the crowd. Officers began yelling at the crowd to leave, and the majority of spectators began slowly moving away. The crowd was centralized on the sidewalk by the side of the church opposite where § 87(2)(b) was seated and right in front of the pizza place. There were more people by the church than outside of the restaurant. Officers arrested some of the boys involved in the fight. § 87(2)(b) estimated that approximately eight officers responded to the scene initially, and that the number of officers increased to approximately twelve during the duration of the incident. § 87(2)(b) recalled seeing only uniformed officers at the scene.

Right outside the restaurant (see #3), two girls began fighting in the street, one of whom was identified by this investigation as § 87(2)(b) ³. The other female was skinnier, was wearing jeans, and was not dressed as nicely. When § 87(2)(b) saw the girls start to fight, he got up from the table and went out into the street to try and pull them apart. There were a few other civilians attempting to do the same thing. § 87(2)(b) told the girls that if the police were going to hurt them if they didn't stop fighting. As § 87(2)(b) attempted to hold the girls back, approximately thirty seconds after he'd gotten up from his table, two or three officers came over and pushed the girls apart. A white officer held the heavier girl back and § 87(2)(b) thought the officer who held the thinner girl was white as well, but was not certain. An officer later identified as Officer David Sansone⁴ walked over to § 87(2)(b) and pushed him backwards very forcefully. In a loud tone, Officer Sansone told § 87(2)(b) to "get out of here." § 87(2)(b) responded, "Don't push me," and Officer Sansone again told § 87(2)(b) to leave. § 87(2)(b) and Officer Sansone stood looking at each other for a few seconds, and § 87(2)(b) read Officer Sansone's name off his shield. Both females were placed in handcuffs and arrested. § 87(2)(b) later told § 87(2)(b) that she witnessed one of the officers pushing the heavier female's head down against the concrete and hit her with a nightstick. § 87(2)(b) did not witness that because his attention was distracted by another officer (see below).

An officer, Officer 2⁵ (see #4), was standing a foot or two behind § 87(2)(b) (see #5). Officer 2 yelled at the crowd to leave. § 87(2)(b) turned around. Officer 2 was looking down Bleecker Street towards Leroy Street. Officer 2 proceeded to reach his arm out and pepper-spray back and forth in an arc in front of his body in one continuous spray. Officer 2 sprayed back and forth in front of his body for between five and ten seconds, walking forward at the retreating crowd as he did so. § 87(2)(b) grabbed § 87(2)(b) and they started moving away down Bleecker Street towards Leroy Street (see #6). § 87(2)(b) was moving relatively slowly because he wanted to keep seeing what was going on. An unknown male, CIV1⁶ was walking away next to § 87(2)(b) on his left. § 87(2)(b) was to § 87(2)(b)'s right. Officer 2 walked up behind the male and pushed him at least twice in the back. When Officer 2 first pushed CIV1, CIV1 said something to the effect of "I'm moving, I'm moving." When pushed again, CIV1 turned around towards Officer 2, and Officer 2 brought his can of pepper spray up and, holding it no more than two or three inches from CIV1's eyes, he discharged the pepper spray. CIV1 was blinded and began staggering forward towards. § 87(2)(b) helped CIV1 move forward to a store with a metal retractable gate on the outside. CIV1 was crying, and he grabbed onto the gate and then punched the gate in anger. § 87(2)(b) and his party left CIV1 at the gate with a young black female who appeared to be with him.

§ 87(2)(b) looked across the street and observed an officer, Officer 3⁷ across the street by the side of the church (see #8). Officer 3 was hitting individuals with his nightstick. § 87(2)(b) recalled two individuals being hit in particular: CIV2⁸ and CIV3⁹, but stated that Officer 3 hit between three and five individuals. Most were Hispanic and both males and females were struck. He was facing away from Officer 2 ("East" according to § 87(2)(b)'s diagram) in the process of walking away. Officer 2 grabbed CIV2 by the shoulder and, with the other hand, struck CIV2 on the side of his lower leg with his nightstick, "swinging wildly." CIV2 fell to the ground and his friends helped him up. § 87(2)(b) observed other unidentified individuals being struck in the back with nightsticks as they were leaving. CIV3 was a Hispanic male. Officer 2 struck CIV3 in the head with his nightstick. CIV3 appeared dazed, and stood looking around (see #9). § 87(2)(b) observed approximately five other white male uniformed officers striking civilians with their nightsticks, but did not provide any additional information about them.

Upon witnessing Officer 2 striking CIV2 and CIV3, § 87(2)(b) borrowed § 87(2)(b)'s telephone and called 311 to complain. He was transferred from 311 to CCRB, where he left a message.

³ Hispanic female, app. 5'0", heavier build, wearing "nice" top and skirt

⁴ White male, black hair (possibly wavy), clean-cut, 5'7"-5'9", late 20s, uniform

⁵ White male, medium build, 5'5"-5'6", black hair, uniform

⁶ Black male, 5'5"-5'6", medium build, round face

⁷ thin white male, 5'7"-5'8", brown hair, 20s, uniform

⁸ tall black male

⁹ Hispanic male

- § 87(2)(b) *Photo Viewing*

§ 87(2)(b) was shown a series of 46 single photos on January 18, 2007 at the CCRB. The photos were numbered in the following order:

1. Filler (Officer)	16. Officer Douglas Lee	31. Officer William Bedell
2. Filler (Officer)	17. Officer Richard Rainero	32. Officer Arthur Leahy
3. Filler (Officer)	18. Officer Zeke Buttermark	33. Officer Daniel Clark
4. Filler (Officer)	19. Sergeant Guy Petersen	34. Officer Drew Palmer
5. Officer Robert Roman	20. Officer David Taylor	35. Filler (Lieutenant)
6. Lieutenant Michael Casey	21. Officer Yolanda Choy	36. Officer Louis Maniscalco
7. Officer Jonathan Hom	22. Detective Steven Bobbitt	37. Officer Matthew Ramsingh
8. Lieutenant Joseph Rositano	23. Officer Anthony Parisi	38. Officer David Sansone
9. Officer David Sokoloff	24. Filler (Officer)	39. Filler (Officer)
10. Officer Kevin Odonnell	25. Officer Marvin Johnson	40. Filler (Lieutenant)
11. Filler (Lieutenant)	26. Adam Romang	41. Officer Brian Ferguson
12. Officer Nelida Flores	27. Filler (Officer)	42. Sergeant Anthony Reyes
13. Filler (Officer)	28. Officer Michael Carreras	43. Officer Kenneth Gorodovich
14. Officer Kevin Mulcahy	29. Detective Andrew Rindler	44. Sergeant Eric Johnson
15. Officer Eduardo Oropallo	30. Officer Demetrios Kola	45. Filler (Officer)
		46. Filler (Officer)

§ 87(2)(b) labeled the following photos "maybe" (meaning that they might have been the officer who § 87(2)(b) stood next to as he pepper-sprayed): Sergeant Johnson, Filler #4, Officer Richard Rainero, Officer Demetrios Kola, Filler #1, Officer Eduardo Oropallo, and Filler #27. § 87(2)(b) identified Filler #11 as the officer who appeared to be the "police chief" on the scene.

A call was placed to § 87(2)(b) on August 8, 2007 to inquire whether he wanted to view additional photos. A female answered and stated that she did not know § 87(2)(b) and that he was no longer at that number. A letter mailed to § 87(2)(b) was returned marked "return to sender/not deliverable as addressed." § 87(2)(b) was unresponsive to an email asking him to call, so he was not contacted to view additional photos.

Results of Investigation

Duplicate Complaint

§ 87(2)(b) filed CCRB complaint # § 87(2)(b) on November 13, 2006 by calling the Internal Affairs Bureau (IAB log #06-38512). She stated that her friend § 87(2)(b) (last name unknown) was struck with a nightstick during an incident on November 11, 2006 at 4:17am.

The case was received by CCRB team #6 on November 16, 2006 and was assigned to Inv. § 87(2)(g)

§ 87(2)(b)

When the assigned investigator, Inv. Awosogba, contacted § 87(2)(b) on November 21, 2006, § 87(2)(b) "stated that she misunderstood her friend, § 87(2)(b) when he told her that he was injured. When she initially spoke to him, she thought that he was involved in a situation that officers were handling with their nightsticks and was hit. She later spoke to him in the hospital and he told her that he injured himself, and that no officer hit him." Inv. Awosogba contacted § 87(2)(b) again to get a formal withdrawal on November 21, 2006 and § 87(2)(b) added that § 87(2)(b) reported being pushed by a female detective. Inv. Awosogba contacted § 87(2)(b) and he stated that he was "slammed" by an officer. He was subsequently uncooperative and unresponsive to further contact attempts and was never formally interviewed. § 87(2)(g)

On July 11, 2007, the undersigned investigator conducted another search for duplicates using names that had become known to the investigation during the previous months. At that time, § 87(2)(b)

§ 87(2) s complaint was discovered. § 87(2)(g) Both § 87(2)(b) and § 87(2)(b) Unknown are listed as witnesses in this case.

Civilian Statements

- § 87(2)(b) § 87(2)(b) provided a phone statement on December 4, 2006 and was interviewed at the CCRB on December 6, 2006. § 87(2)(b) is a § 87(2)(b)-old white female, 5'11" tall and 149 lbs, who § 87(2)(b).

At around 3:30am on November 11, 2006, § 87(2)(b) was eating at a pizzeria on the corner of Carmine Street and Bleecker Street across from a 'convention center' with § 87(2)(b) s friend § 87(2)(b) and § 87(2)(b) s date § 87(2)(b) noticed teenagers streaming out of the convention center. Within ten minutes, there were over 100 teens on the corner. Within the next ten minutes, two males got into a fight in the middle of the intersection (for this and other incident locations, see the diagram drawn by § 87(2)(b) at the time of her interview). Other kids were standing around them, most just watching but some egging the fighters on. Around three kids came over to where § 87(2)(b) s party was sitting but most were standing in the streets.

A few minutes later, some police officers showed up and arrested the boys fighting in the street. § 87(2)(b) recalled only two boys fighting and thought that approximately three white male uniformed officers were involved in breaking up the fight, but was not sure. After the fight broke up, § 87(2)(b) observed an officer, Officer 4¹⁰, (who might have been involved in breaking up the fight) begin shoving kids in a violent manner, knocking a nightstick (not an extendable asp) against the scaffolding outside the convention hall (see mark labeled "pole" on diagram), and using profanity against the crowd as he told them to leave. When questioned about the type of profanity Officer 4 was using, § 87(2)(b) stated that it was hard to hear but she believed Officer 4 made similar statements to another officer at the scene, Officer 5 (see below) such as "get the fuck out of here." The crowd of teenagers was moving, but not fast enough for Officer 4. Officer 4 was trying to get the teenagers to go up Bleecker Street towards Leroy Street.

As § 87(2)(b) watched, she observed two Hispanic females become involved in a fight outside the pizza place. One female (identified by this investigation through physical description as § 87(2)(b)¹¹ was wearing a teeshirt or tank top and a miniskirt, which later tore open while she was being arrested. The second female had lighter brown hair, a slimmer build, and appeared to be the same age. She was wearing a skirt and a light top. The two females began smacking each other and grabbing each others' hair, and they ended up on the ground.

When § 87(2)(b) saw the girls fighting, he got up and went to intercede and pull them apart. § 87(2)(b) got between the two girls and tried to hold them back from each other. Two or three police officers came over and § 87(2)(b) stepped back when he saw the officers. One officer, (identified by this investigation as Officer David Sansone)¹², grabbed § 87(2)(b) by the shirt in the area of his chest and pushed him forcefully backwards. At that point, § 87(2)(b) was standing a little less than ten feet away from the girls. § 87(2)(b) stated that he was just trying to help. § 87(2)(b) saw two or three uniformed white male officers holding § 87(2)(b) down on the ground. One officer, Officer 5¹³, hit § 87(2)(b) once in the back with a nightstick, then pushed the nightstick down into the middle of her back to keep her on the ground. With his other hand, Officer 5 held § 87(2)(b) s head against the ground. § 87(2)(b) did not see any males trying to help § 87(2)(b) off the ground. She thought other people tried to get involved, but only saw § 87(2)(b) physically involved in trying to break up the fight.

When she saw § 87(2)(b) intervening in the fight, § 87(2)(b) stood up and walked closer, as did § 87(2)(b). § 87(2)(b) remained at the table. Officer Sansone told § 87(2)(b) to "get the fuck out of here." People were walking away in the direction of "3" (see diagram). An officer, Officer 6¹⁴,

¹⁰ white male, uniform, 30s-40s, shaved head, 5'10" or slightly shorter

¹¹ Hispanic female, long brown hair, miniskirt

¹² white male, bald, around 5'11", late 20s, clean-cut

¹³ white male, uniform, athletic build, 5'9"-5'11", close-cut hair

¹⁴ looked similar to Officer 2, taller, athletic build, early 30s maybe

was telling everyone to leave and § 87(2)(b) and § 87(2)(b) turned to walk towards “3.” § 87(2)(b) had already started walking and was further down the block. A male unknown to § 87(2)(b) CIV1¹⁵, was walking next to § 87(2)(b) on her left. § 87(2)(b) walked to § 87(2)(b)s left and slightly behind her. § 87(2)(b) stood to § 87(2)(b)s right. Almost immediately after they turned to leave, Officer 6 came up behind CIV1 and shoved him three or four times in his upper back, saying “get the fuck out of here” and telling him to leave. CIV1 turned and told Officer 6 he was leaving and asked why Officer 6 was shoving him. Officer 6 sprayed CIV1 directly in his eyes with pepper spray from a distance of less than two inches for a period of about three seconds. CIV1 hunched over and said that he couldn’t see. § 87(2)(b) assisted CIV1 in walking to the side of the street and helped him lean up against a building. § 87(2)(b) and § 87(2)(b) then left. § 87(2)(b) recalled that either right before or right after Officer 6 sprayed CIV1, he held up his pepper spray and waved his arm back and forth in a 180-degree half circle while spraying for 4-5 seconds in one continuous spray. § 87(2)(b) got some pepper spray on her jeans but was otherwise unaffected. She did not recall Officer 6 saying anything prior to spraying except, “Get out of here.” § 87(2)(b) did not recall seeing any female or plainclothes officers at the scene.

- § 87(2)(b) *Photo Viewing*

§ 87(2)(b) was shown a series of single photos on January 18, 2007. The photos were shown in the following order:

1. Officer Robert Roman	16. Filler (Officer)	31. Filler (Officer)
2. Lieutenant Michael Casey	17. Officer Kenneth Gorodovich	32. Sergeant Eric Johnson
3. Filler (Officer)	18. Sergeant Anthony Reyes	33. Officer Jonathan Hom
4. Officer David Sansone	19. Officer Brian Ferguson	34. Filler (Officer)
5. Officer Matthew Ramsingh	20. Officer Kevin Odonnell	35. Lieutenant Joseph Rositano
6. Officer Louis Maniscalco	21. Officer Nelida Flores	36. Officer David Sokoloff
7. Officer Eduardo Oropallo	22. Officer Kevin Mulcahy	37. Officer Drew Palmer
8. Officer Douglas Lee	23. Filler (Officer)	38. Officer Daniel Clark
9. Filler (Lieutenant)	24. Officer William Bedell	39. Officer Arthur Leahy
10. Filler (Officer)	25. Officer Demetrios Kola	40. Filler (Lieutenant)
11. Officer Richard Rainero	26. Sergeant Guy Petersen	41. Officer Zeke Buttermark
12. Officer Michael Carreras	27. Filler (Officer)	42. Detective Andrew Rindler
13. Officer Adam Romang	28. Officer David Taylor	43. Detective Steven Bobbitt
14. Officer Marvin Johnson	29. Officer Anthony Parisi	44. Filler (Officer)
15. Filler (Officer)	30. Filler (Officer)	45. Filler (Lieutenant)
		46. Officer Yolanda Choy

§ 87(2)(b) selected Officer David Sansone, Officer Demotrios Kola, and Filler #23 as officers that looked familiar (she did not assign them any specific actions), and Officer Richard Rainero, Officer Brian Ferguson and Filler #30 as officers that might have been there.

A call to § 87(2)(b) to inquire about viewing additional photos showed that her phone number had been changed or disconnected. Two letters were mailed to § 87(2)(b) asking her to call and one email was sent to her email account. Neither letter was returned and § 87(2)(b) was unresponsive. She was therefore not contacted to view additional photos.

- § 87(2)(b) § 87(2)(b)s name was provided by § 87(2)(b) at the time of her CCRB interview and he was contacted by telephone on December 1, 2006. § 87(2)(b) stated that he left the church party and went to get his car. He pulled his car around to the front and noticed that two friends, § 87(2)(b) and § 87(2)(b) were involved in a heated argument with other individuals. § 87(2)(b) exited his vehicle and went over to try and calm § 87(2)(b) and § 87(2)(b) down. The situation escalated and soon broke out into a physical fight. § 87(2)(b) continued to attempt to separate the combatants. As the

¹⁵ male, probably Hispanic, around 5’9”, “full-figured” (large stomach), wearing jeans and teshirt

fight began to break up, police officers arrived at the scene. Officers used pepper spray on individuals and hit individuals with nightsticks.

§ 87(2)(b) observed § 87(2)(b) fighting with an unknown female, and thought that she was trying to defend her brother, who was also involved in the fight. § 87(2)(b) observed officers hit § 87(2)(b) multiple times with nightsticks. § 87(2)(b)'s husband § 87(2)(b) came over and tackled one of the officers. § 87(2)(b) later told § 87(2)(b) that officers hit him with nightsticks.

- § 87(2)(b)
§ 87(2)(b) was contacted by telephone on December 4, 2006. He provided a telephone statement at that time but did not provide an official statement on the advice of his lawyer. § 87(2)(b) stated that he was leaving a party when a fight broke out. § 87(2)(b) saw officers handcuff § 87(2)(b) who was lying on the ground. An officer stepped on § 87(2)(b)'s neck, and her skirt was up around her waist. Officers were cursing. § 87(2)(b)'s husband, § 87(2)(b) came over and was beat up by officers. § 87(2)(b)'s cellphone fell to the ground and § 87(2)(b) went to pick it up. § 87(2)(b) was pepper-sprayed, pushed against a car and then pushed to the ground. § 87(2)(b) stated that he was friends with § 87(2)(b) and § 87(2)(b) who were also arrested during the incident.

- § 87(2)(b)
§ 87(2)(b) was contacted by telephone on January 5, 2007. § 87(2)(b) began to provide a narrative of the events of November 11, 2006, but the call was disconnected. § 87(2)(b) stated that she was coming out of a party when a fight broke out. Officers responded and were "out of control" and were "hitting people."

- § 87(2)(b)
§ 87(2)(b)'s name was provided by § 87(2)(b) during her CCRB interview. He was interviewed at the CCRB on January 18, 2007. § 87(2)(b) a § 87(2)(b)-old Hispanic male who is 5'8" and 230 lbs, § 87(2)(b). On the night of November 11, 2006, § 87(2)(b) attended a party in a church at the corner of Carmine Street and Bleecker Street with a number of friends. The party was a fund-raiser, and alcohol was being served. Between midnight and approximately 3:00am, § 87(2)(b) drank three or four 12-16oz. cups of rum and Coke.

Around 3:00 am, § 87(2)(b) left the party with some friends. He was with his sister, § 87(2)(b) her husband, § 87(2)(b) and his friends § 87(2)(b) § 87(2)(b) (identified by this investigation as § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b).

As they left the party, § 87(2)(b) was attacked by a young male § 87(2)(b) § 87(2)(b) thought he was a juvenile because he was informed that the male's parents picked him up at the precinct). § 87(2)(b) and the male had exchanged words on the way out, and the male swung at § 87(2)(b). The male and four of his friends became engaged in a fight with § 87(2)(b) and § 87(2)(b) in the intersection of Carmine Street and Bleecker Street. Approximately five minutes later, two marked police cars pulled up at the scene carrying four police officers including a female officer (identified by this investigation through statements as Officer Nelida Flores)¹⁶ and Officer 7¹⁷. § 87(2)(b) was unable to provide descriptions of the other two officers except to say that they were male.

The first four officers largely broke up the fight. Most of the people fighting stopped doing so, and the officers gathered most of those who had been involved in the fight into one group. There was one unknown male that § 87(2)(b) observed who refused to stop fighting when repeatedly instructed to do so by the officers. Officers had to take him to the ground to subdue him. Officer 7 called for assistance on his radio. There were approximately fifty to sixty people outside from the party and from the surrounding area.

A few minutes after Officer 7's call for assistance, a large quantity of officers appeared on the scene. The tone of the incident had been calming down, but the responding officers quickly escalated it again by acting "vicious" with bystanders. Officers threw individuals down onto the ground and against

¹⁶ dark-skinned white or Hispanic female, 5'3"-5'4", mid-late 20s, medium build

¹⁷ white male, uniform, no further description available

the metal gates of closed stores in the area where the basketball courts end and the stores begin. § 87(2) and § 87(2)(b) were both thrown to the ground, as was § 87(2)(b)'s friend § 87(2)(b) (identified through police documents as § 87(2)(b)). § 87(2)(b) noticed that his eyes were burning; he turned and observed Officer Flores running down the street discharging her pepper spray. Officer Flores was in the middle of the street on the street side of the line of cars parked by the sidewalk (on the side of the street opposite the church, see § 87(2)(b)'s diagram). She did not appear to be aiming for any individual in particular, but discharged her pepper-spray on the crowd of people on the sidewalk in general. § 87(2)(b) helped move § 87(2)(b) who had been pepper-sprayed, to an area next to a payphone. § 87(2)(b) asked where § 87(2)(b) was, and § 87(2)(b) looked around to see him. He spotted § 87(2)(b) and § 87(2)(b) being handcuffed in front of the McDonalds by two officers, Officer 8¹⁸ and Officer 9¹⁹. Officer Flores was in the vicinity, and § 87(2)(b) asked her, "Why did you fucking mace my friend?" Officer Flores replied, "You want some of this, motherfucker? I'm gonna go get another can." § 87(2)(b) approached Officer 8 and Officer 9; he was wearing a suit and a cashmere jacket, and he told the officers that he was an attorney with Soloman & Soloman, and would be representing his friends. He asked what was happening to § 87(2)(b) and § 87(2)(b). Officer 9 responded calmly that the officers were going to deal with the individuals who were being arrested first and would deal with § 87(2)(b) afterwards.

At that time, § 87(2) (last name unknown), a friend of one of § 87(2)(b)'s friends, yelled to him that officers were hurting his sister. § 87(2)(b) ran over to where § 87(2) was standing with § 87(2)(b) and a number of other unknown females around his sister (see diagram). § 87(2)(b) was lying on the ground on her front side with five or six uniformed male officers around her. She was wearing a skirt, and the skirt was up around her waist. She was also wearing thong underwear, and her buttocks were completely exposed. One white male officer (identified by this investigation through police documents and concurring accounts as Officer William Bedell)²⁰, stood next to § 87(2)(b); he had one foot resting on the back of § 87(2)(b)'s neck. The females were "getting close" to § 87(2)(b) and one of the officers in the group, Officer 11²¹, pulled out his asp and repeatedly told the females to "get the fuck away" and that what was going on with § 87(2)(b) did not concern them. Officer 11 stated, "What, you want to be on the fucking floor with her?" Almost immediately after § 87(2)(b) observed Officer Bedell with his foot on § 87(2)(b)'s neck, he observed § 87(2)(b) running over; § 87(2)(b) jumped over § 87(2)(b)'s back to shield her, pushing Officer Bedell's leg off § 87(2)(b)'s neck. As soon as he did so, the five or six officers all pulled out their asps and began to strike § 87(2)(b) on the legs and back. They continued to strike § 87(2)(b) for one to two minutes. Officers then picked up § 87(2)(b) and placed her in a prisoner van and also picked up § 87(2)(b). § 87(2)(b) was unable to walk due to the number of times he had been hit on his legs and feet, so officers had to carry him by his arms and legs to the prisoner van, and placed him inside. § 87(2)(b) believed that § 87(2)(b) had severe bruising but did not break any bones.

§ 87(2)(b) was agitated at what was going on. An officer, Officer 11²², brushed past § 87(2)(b). § 87(2)(b) was saying, "I want badge numbers!" and, when Officer 11 brushed past him, § 87(2)(b) told him, "I want your badge number." § 87(2)(b) mentioned that he would be going to the Attorney General's office and was going to file a CCRB complaint. § 87(2)(b) did not know if Officer 11 had been involved in any of the previous officer/civilian interactions. Officer 11 was holding his asp, and he told § 87(2)(b) to leave, turned him around, and pushed him away a few times with his hands and then with the point of his asp. § 87(2)(b) stated, "So you think you're a tough guy with your stick?" and Officer 11 responded, "My friend, you definitely want to walk away from this situation. You don't want none of this." Officer 11 turned and walked away, and § 87(2)(b) did not leave the scene.

After Officer 11 left, § 87(2)(b) turned to see § 87(2)(b) standing in the street. § 87(2)(b) observed § 87(2)(b)'s Verizon Chocolate phone lying in the street and bent down to pick it up. An officer, Officer 12, came up behind § 87(2)(b) and hit him over the head with his asp. § 87(2)(b) could not offer a description of Officer 12 because § 87(2)(b) observed the hit from a distance.

¹⁸ black male, uniform, no further description available

¹⁹ white male, uniform, no further description available

²⁰ white male officer, uniform, no further description available

²¹ white male, uniform, "Italian" complexion, medium build, 6'0", early 30s, clean-shaven

²² white male, uniform, "Irish" or "Italian", 5'7", brownish hair, late 20s or early 30s, clean-shaven, medium build

Two additional officers, Officer 13 and Officer 14, went over to Officer 12 and assisted him in placing § 87(2)(b) on the ground and handcuffing him. One officer had his knee or foot on § 87(2)(b)'s knee and another had his knee or foot on his back. The third officer handcuffed § 87(2)(b). § 87(2)(b) was bleeding profusely from his head. § 87(2)(b) went over and spoke to the officer with his knee or foot on § 87(2)(b)'s back, Officer 13²³. § 87(2)(b) was unable to say whether it was the same officer who struck § 87(2)(b) with the asp. § 87(2)(b) again identified himself as an attorney and demanded that the officers call an ambulance for § 87(2)(b) to get medical treatment. Officer 13 called for an ambulance over his radio. § 87(2)(b) also asked to speak with a commanding officer. A lieutenant²⁴ (self-identified as such) dressed in plainclothes and an "NYPD" jacket came over and told § 87(2)(b) that everyone who was arrested would be taken back to a precinct § 87(2)(b) did not recall which) and that they would sort the charges out there. Again identifying himself as an attorney, § 87(2)(b) asked to see a list of all the officers who responded to the scene, and the lieutenant told him he could get that information at the precinct.

- § 87(2)(b) *Photo Viewing*

After the conclusion of his January 18, 2007 interview, § 87(2)(b) was shown a series of police officer photographs. The photos were shown in the following order:

1. Sergeant Eric Johnson	16. Lieutenant Joseph Rositano	31. Officer Arthur Leahy
2. Sergeant Anthony Reyes	17. Officer Kevin Odonnell	32. Officer Demetrios Kola
3. Filler (Lieutenant)	18. Officer Kevin Mulcahy	33. Filler (Lieutenant)
4. Officer David Sansone	19. Filler (Officer)	34. Officer Michael Carreras
5. Officer Louis Maniscalco	20. Officer Douglas Lee	35. Officer Steven Bobbitt
6. Officer Daniel Clark	21. Filler (Officer)	36. Filler (Officer)
7. Filler (Officer)	22. Filler (Officer)	37. Officer Robert Roman
8. Officer William Bedell	23. Officer Zeke Buttermark	38. Officer Jonathan Hom
9. Detective Andrew Rindler	24. Officer David Taylor	39. Officer David Sokoloff
10. Officer Adam Romang	25. Officer Yolanda Choy	40. Officer Nelida Flores
11. Officer Marvin Johnson	26. Filler (Officer)	41. Officer Eduardo Oropallo
12. Filler (Officer)	27. Officer Kenneth Gorodovich	42. Filler (Lieutenant)
13. Filler (Officer)	28. Officer Brian Ferguson	43. Filler (Officer)
14. Filler (Officer)	29. Officer Matthew Ramsingh	44. Officer Richard Rainero
15. Lieutenant Michael Casey	30. Officer Drew Palmer	45. Sergeant Guy Petersen
		46. Officer Anthony Parisi

§ 87(2)(b) identified the following officers as possibly having been present: Sergeant Anthony Reyes, Filler #3, Officer William Bedell, Detective Andrew Rindler, Officer Adam Romang, Filler #14, Lieutenant Michael Carey, Officer Joseph Rositano, Officer Kevin Odonnell, Officer Drew Palmer, Officer Arthur Leahy, Officer Demetrios Kola, Filler #33, Officer Michael Carreras, Officer Robert Roman, Officer David Sokoloff, Officer Yolanda Choy, Sergeant Guy Petersen, and Officer Anthony Parisi. § 87(2)(b) identified Officer Nelida Flores as possibly the female officer who sprayed mace.

§ 87(2)(b) was contacted by telephone on August 8, 2007, and he declined to view additional photos.

- § 87(2)(b)

§ 87(2)(b) a § 87(2)(b)-old white male § 87(2)(b), was identified as a witness during a December 4, 2006 canvass and was interviewed at § 87(2)(b) on December 7, 2006. On November 11, 2006, at approximately 3:30am, § 87(2)(b) was packing up to leave § 87(2)(b) when he suddenly heard a fight outside. § 87(2)(b) pulled back the window curtains to look outside through the closed window. § 87(2)(b), and § 87(2)(b), joined § 87(2)(b). Outside, on the northeast corner of Carmine Street and Bleecker Streets, two black women in their 20s, one wearing a skirt, were engaged in a physical altercation. Less

²³ white male, uniform, mid-30s to late 30s, clean-cut, medium build on the large side, approximately 6'0"

²⁴ white male, 40s, moustache

than a minute later, approximately six males became involved, trying to pull the women off of each other. One of the males might have hit one of the females.

Within two minutes from the beginning of the fight, approximately thirty police officers responded to the scene. § 87(2)(b) believed that all of the officers were in uniform. Two patrol cars pulled up on Carmine Street, and two pulled up on Bleecker Street. Several other cars pulled up going the wrong way on Carmine Street, and some officers arrived on foot. The officers “swarmed” on the fighters, pulling them apart. The two women resisted the officers, but § 87(2)(b) noted that the women were not so much fighting the officers as trying to continue fighting each other. Several police officers that § 87(2)(b) couldn’t describe “swarmed” on the heavyset black female wearing the skirt (identified by this investigation as § 87(2)(b) and “dragged” her to the northwest corner nearer to the window where § 87(2)(b) was. § 87(2)(b) was unable to articulate how the officers “dragged” § 87(2)(b) he stated that he just looked over at her, and she was on the ground, face down. A white, uniformed “kinda big, large, tall” police officer § 87(2)(b) was unable to further describe him) stood with one of his feet pressed against § 87(2)(b)’s back. Two additional police officers that § 87(2)(b) could not describe were standing next to § 87(2)(b) § 87(2)(b) believed § 87(2)(b) was handcuffed at this point, but he was not certain. § 87(2)(b)’s skirt had lifted up, exposing her buttocks, so that § 87(2)(b) could see she was wearing a thong. § 87(2)(b) was concerned that the officers were “not even concerned” that § 87(2)(b) “was just hanging out there for the entire world to see.” § 87(2)(b) was unaware of what happened to the second female.

A crowd tried to approach § 87(2)(b) down Carmine Street toward Bleecker Street, in apparent anger at what the officers had done. One police officer (“shorter,” dark hair, white or Hispanic, not one of the officers standing near the female on the ground), from a distance of 8 feet from the crowd, sprayed pepper spray around to apparently prevent the crowd from approaching § 87(2)(b). The crowd turned and ran away, and § 87(2)(b) and his coworkers moved away from the window and didn’t see anything else. § 87(2)(b) estimated that he had been watching for a duration of ten minutes.

- § 87(2)(b) a § 87(2)(b)-old § 87(2)(b) reported to EMTs and personnel at § 87(2)(b) on § 87(2)(b) that an NYPD officer “twisted” his right arm behind his back while arresting him. § 87(2)(b) was contacted by telephone on February 6, 2007, at which time he provided a short phone statement. He was subsequently interviewed at the CCRB on June 8, 2007. § 87(2)(g)

On the night of November 10-11, 2006, § 87(2)(b) attended a party at a “hall” at the intersection of Carmine Street and Bleecker Street in Manhattan organized by his friend (identified by this investigation as § 87(2)(b)). Most people at the party knew each other. There was supposed to be a well-known musical artist attending the party but he didn’t show up and many of the 200+ people at the party were angry. When people began leaving at around 3:00am, § 87(2)(b) stayed inside helping to clean up. He finally decided to go outside (of his own volition, not because he was compelled to do so). When he exited the building, § 87(2)(b) saw a “big commotion” of about eighty civilians and more than 20 officers. All the officers § 87(2)(b) saw at the scene were in uniform. Some people were fighting and others were running away. § 87(2)(b) observed people running and a large number of police officers. § 87(2)(b)’s brother, § 87(2)(b) and his sister § 87(2)(b) were also at the party, so § 87(2)(b) went in search of them. § 87(2)(b) crossed Bleecker Street from the West to the East side, on the North side of the intersection. Most of the “commotion” was occurring in the middle of Bleecker Street. § 87(2)(b) observed officers using mace against civilians near the Northeast corner of the intersection. Civilians were maced who were standing around the corner watching the fighting. § 87(2)(b) could not tell which officers used mace. He believed that there were three uniformed white male officers that used their mace. § 87(2)(b) was maced, as was his friend. § 87(2)(b) continued walking, and officers told him to walk away and to leave. § 87(2)(b) continued walking on Carmine Street to 6th Avenue. As he stood on that corner, he was approached by his friend § 87(2)(b) (last name and phone number unknown, lives with cousin “§ 87(2)(b)” at unknown address), who told him that § 87(2)(b) and § 87(2)(b) were back at the Carmine/Bleecker intersection. § 87(2)(b) walked back to the Northeast corner of Carmine Street and Bleecker Street to see.

§ 87(2)(b) and § 87(2)(b) were in the street just South of the Northeast corner of the intersection. White male officers told § 87(2)(b) to walk away but he did not do so because he wanted to see what was happening to his siblings. The officers who told § 87(2)(b) to leave didn’t pay any mind when he did not leave and it seemed that they “didn’t really care.” Officers were restraining § 87(2)(b) and § 87(2)(b). One

officer was holding § 87(2)(b) by the hair (male white, about 5'11", no further description), and one officer was holding § 87(2)(b) down. § 87(2)(b) did not recall observing any other civilians being held down by police in that area. When asked for further officer descriptions, § 87(2)(b) stated, "Everybody just looked alike...every officer." There was another fight going on a few feet away, and the officers dragged § 87(2)(b) and § 87(2)(b) a few feet across the ground. The officer holding § 87(2)(b) dragged her by her hair only. § 87(2)(b) and § 87(2)(b) were handcuffed at this time. § 87(2)(b) had scrapes as a result of being dragged. § 87(2)(b) stated that § 87(2)(b) or § 87(2)(b) might have been involved in the fighting outside prior to being restrained.

§ 87(2)(b) turned to another officer in the area (later identified through photos as Officer Marvin Johnson, see below) and asked why § 87(2)(b) and § 87(2)(b) were being treated like that. § 87(2)(b) told Officer Johnson that what the other officers were doing was not right. Officer Johnson told § 87(2)(b) to go away, and he responded that Officer Johnson was right and turned to walk away from the area. § 87(2)(b) did not say anything to Officer Johnson besides telling him that he was going to leave. § 87(2)(b) began to walk away on Carmine Street going towards 6th Avenue. (In his phone statement, § 87(2)(b) stated that when officers told him to leave, he told them that they shouldn't act as they were and was then grabbed. He did not mention in his phone statement that he attempted to comply with the officers' instructions to leave.) Almost immediately, an officer (later identified from photos as Officer Kevin Odonnell) grabbed § 87(2)(b) from behind as if to arrest him. Officer Odonnell spun § 87(2)(b)'s right arm clockwise three times (the investigator asked § 87(2)(b) to show how that was done physically, but it was still unclear what he meant). § 87(2)(b) began yelling because the bones in his arm felt "weird." Officer Odonnell asked, "Does it hurt?" and, when § 87(2)(b) said yes, Officer Odonnell spun his arm again. § 87(2)(b)'s left arm was by his side, and his arms were then handcuffed. § 87(2)(b) was on his feet when handcuffed and was not placed against any vehicle or wall.

An officer struck § 87(2)(b) with a nightstick twice in his shoulder. § 87(2)(b) knew he was struck with a nightstick because he saw the wooden stick extending in front of him. An officer also kicked him in the lower back. § 87(2)(b) knew it was a kick because he felt the sole of the shoe in his back. § 87(2)(b) stated that he had never seen Officer Odonnell prior to Officer Odonnell grabbing him to handcuff him. § 87(2)(b) stated that he never said anything to Officer Odonnell before Officer Odonnell grabbed him to handcuff him.

§ 87(2)(b) was placed into a van with other prisoners. There were multiple police cars and vans on the scene. Officers tried to fit a lot of prisoners into the van and there was not enough space. § 87(2)(b) stated first that one officer was "trying to hit" a prisoner. When asked to explain, § 87(2)(b) stated that the officer was trying to fit more prisoners into the van and thought that the officer accidentally hit one of them in the face as he was trying to squeeze and fit people together. The individual who was hit was in the second row of seats and § 87(2)(b) did not know him. The officer who did so was not any of the ones § 87(2)(b) had previously interacted with (white or Hispanic male, 6'1", uniform, mid-30s, muscular build, about 210 lbs., clean-cut). § 87(2)(b) remained in the van 20-25 minutes and was then transported back to the 6th Precinct. § 87(2)(b) knew two other people in the van who were involved in the fight: § 87(2)(b) and his brother. Once at the 6th Precinct, § 87(2)(b) told an officer he needed medical attention for his arm and he was transported by ambulance to § 87(2)(b), where he was diagnosed with a sprained right shoulder, a sprained right elbow, and a sprained right wrist. He remained at § 87(2)(b) for approximately ten hours before being returned to the precinct and going through his arrest processing. § 87(2)(b) stated in both his phone statement and CCRB interview that he was considering filing a lawsuit but had not yet done so.

After he finished providing a statement, § 87(2)(b) viewed a series of single photos. The photos were shown in the following order:

1. Officer Nelida Flores	15. Officer David Sansone	29. Officer Michael Carreras
2. Detective Andrew Rindler	16. Officer Eduardo Oropallo	30. Officer Douglas Lee
3. Sergeant Eric Johnson	17. Lieutenant Michael Casey	31. Filler (lieutenant)
4. Filler (lieutenant)	18. Officer David Sokoloff	32. Officer David Taylor
5. Officer Robert Roman	19. Officer Matthew Ramsingh	33. Officer Adam Romang
6. Officer Yolanda Choy	20. Sergeant Guy Petersen	34. Filler (lieutenant)
7. Officer Kenneth Gorodovich	21. Filler	35. Filler

8. Officer Anthony Parisi	22. Officer Arthur Leahy	36. Officer Brian Ferguson
9. Filler	23. Sergeant Anthony Reyes	37. Lieutenant Joseph Rositano
10. Officer Marvin Johnson	24. Filler	38. Officer William Bedell
11. Officer Drew Palmer	25. Officer Kevin Odonnell	39. Officer Richard Rainero
12. Officer Daniel Clark	26. Officer Jonathan Hom	40. Officer Demetrios Kola
13. Officer Kevin Mulcahy	27. Officer Zeke Buttermark	41. Filler
14. Filler	28. Officer Louis Maniscalco	42. Officer Steven Bobbit

§ 87(2)(b) stated the following of #10, Officer Johnson: "I think he was the officer who told me to leave after I came to the corner to find out what happened to § 87(2)(b) and § 87(2)(b). He told me to leave and I did." § 87(2)(b) stated that following of Officer Odonnell, #25: "He was the one being aggressive with me by twisting my right arm and he also came to the hospital with the officer in pic #26." § 87(2)(b) stated the following of Officer Hom, #26: "He was very polite and came with me to the emergency room in § 87(2)(b) with officer in pic #25." § 87(2)(b) stated the following of filler #34: "He tried to force me to put my hands together after coming back from § 87(2)(b) so they could send me to the booking. He thought I was faking it and had no idea of what type of pain I was going through." § 87(2)(b) thought #7, Officer Gorodovich, was the officer that drove the prisoner van to the precinct and recognized a number of officers from seeing them in the precinct.

- § 87(2)(b) was contacted by telephone on February 6, 2007. § 87(2)(b) confirmed that she was present during the incident but stated that she did not see very much because she did not have her glasses on. § 87(2)(b) stated that her younger sister, § 87(2)(b) also was present at the incident and might have witnessed what happened.
- § 87(2)(b) was contacted by telephone on February 6, 2007 and provided a brief statement. § 87(2)(b) was at a party with some friends. They left the party and saw something happening across the street. § 87(2)(b) and his friend (name not provided) went across the street; his friend got hit and then an unknown individual hit § 87(2)(b) in the head. When officers came, they didn't see that § 87(2)(b) was involved in the fight. § 87(2)(b) was walking away when he saw that his sister, § 87(2)(b) was getting arrested. He walked over to see what was happening and officers arrested him as well. § 87(2)(b) and § 87(2)(b) were taken to an unknown precinct near to the incident location by two officers. They were issued summonses for disorderly conduct, and both pleaded guilty. § 87(2)(b) did not see what happened between § 87(2)(b) and police officers but did see § 87(2)(b) lying on the ground when he § 87(2)(b) was in the police car. § 87(2)(b) did not know the names of any officers involved.
- § 87(2)(b) called the CCRB on February 13, 2007. He stated that he was present during the incident and was "rushed" from behind, thrown to the ground, and pepper-sprayed by police officers. § 87(2)(b) did not go into any further details because he was coming off a break at work and had to get off the phone.
- § 87(2)(b) was contacted by telephone on April 3, 2007. He confirmed that he was present during this incident and provided a brief statement. § 87(2)(b) § 87(2)(b)'s sister, § 87(2)(b) and his cousin, § 87(2)(b) were leaving a party. There was an unrelated group of guys, at least one of whom was drunk, who started a fight with § 87(2)(b) as they were leaving. Officers responded and started "going crazy." Officers were pushing women and many used pepper spray. § 87(2)(b) ran away when officers started using pepper spray, and he was pushed by one of the officers. After a while, he went back and saw § 87(2)(b) in handcuffs. Officers were hitting § 87(2)(b) in the face and head with nightsticks. § 87(2)(b) was lying on the ground with two officers holding her down. § 87(2)(b) was later told that § 87(2)(b) allegedly hit an officer but did not believe it.
- § 87(2)(b)

§ 87(2)(b) was contacted by telephone on April 3, 2007 and provided a brief statement. § 87(2)(b) and her brother § 87(2)(b) and some others were leaving a party and intended to go buy some food. They went to their car, parked on Carmine Street on the same block as the church more towards the end of the block. § 87(2)(b) was in the car with § 87(2)(b) and others when they saw § 87(2)(b) become involved in a fight. § 87(2)(b) got out of the car to help him and someone punched § 87(2)(b). § 87(2)(b) got out of the car to get § 87(2)(b) and someone punched her. § 87(2)(b) stated that, as a result of the fight, she dislocated a disc in her back. After approximately 15-20 minutes, police officers arrived at the scene. The officers told the crowd repeatedly to leave the scene. Multiple officers used pepper spray against civilians. § 87(2)(b)'s sister, § 87(2)(b) was pepper-sprayed. At one point, an individual punched § 87(2)(b) in the back and she fell to the ground. An unknown police officer § 87(2)(b) never got a good look at him and stated that she would be unable to identify him) picked her up off the ground and tossed her to the sidewalk to get her out of the way.

Near the end of the fight, § 87(2)(b) and § 87(2)(b) found § 87(2)(b) who was bleeding and had lost several teeth. Through the crowd, they spotted § 87(2)(b) lying on the ground in the street. There was an officer on top of her holding her down. Her skirt and shirt were split open and her skin was exposed. § 87(2)(b) went off towards § 87(2)(b). § 87(2)(b) did not see what happened next but heard that § 87(2)(b) allegedly hit or pushed an officer. § 87(2)(b) stated that throughout the night, she had two cups of some kind of drink. She was not highly intoxicated but was somewhat buzzed and was "feeling nice." § 87(2)(b) believed that there were a number of hired security guards at the party and that they had called the police when the fight got too out of control for them. § 87(2)(b) was with some other people, but stated that they were not involved in the incident. § 87(2)(b)'s wife was there, but she was pregnant and stayed in the car with another of § 87(2)(b)'s friends.

- § 87(2)(b) § 87(2)(b) contacted the CCRB by telephone on April 9, 2007. § 87(2)(b) stated that he was § 87(2)(b), and stated that he was inside the church when the fight occurred. § 87(2)(b) heard that the fight started because his friend § 87(2)(b) (identified by this investigation as § 87(2)(b) and § 87(2)(b)'s girlfriend were fighting and some people thought that § 87(2)(b) hit his girlfriend. Another man interceded and the fight started. § 87(2)(b) did not witness that. § 87(2)(b) hired eleven security guards for the party but could not provide contact information for any of them. § 87(2)(b) hired them through "§ 87(2)(b) a friend of a friend whose phone number no longer works.

After the end of the conversation, § 87(2)(b) called back almost immediately to state that his friend § 87(2)(b) had a brother, § 87(2)(b) whose arm was broken during the incident. § 87(2)(b) stated that § 87(2)(b)'s last name was § 87(2)(b).

- § 87(2)(b) § 87(2)(b) was contacted by telephone on June 28, 2007. § 87(2)(b) stated that she was with § 87(2)(b) and a number of other individuals at a party. They left and were walking and then some "other stuff happened" and the police arrived. § 87(2)(b) was trying to find someone and § 87(2)(b) was maced at some point. § 87(2)(b) was handcuffed and pinned to the ground. § 87(2)(b) thought that two police officers were involved in his apprehension. Though § 87(2)(b) had been maced and could not see well, she did observe § 87(2)(b) being handcuffed.

Canvasses

The undersigned investigator conducted a canvass of the incident vicinity on December 4, 2006. There was no indication of any video cameras on the two blocks of Carmine and Bleecker Streets around the Carmine/Bleecker intersection. "§ 87(2)(b) at § 87(2)(b) and § 87(2)(b) at § 87(2)(b) both stated that they witnessed the melee. "§ 87(2)(b) at § 87(2)(b) stated that no one in that store had seen anything, and § 87(2)(b) at § 87(2)(b) stated that the restaurant had a night porter who would probably have been there at the time. The night porter had subsequently been fired, however, § 87(2)(b). Photos were taken of the incident area.

The undersigned investigator returned to the incident vicinity on December 7, 2006, at which time § 87(2)(b) provided a formal statement. "§ 87(2)(b) was not working at § 87(2)(b) when the

undersigned investigator returned, and a 'please call' was left at the store for him (he did not subsequently contact the CCRB). "§ 87(2)(b)" at § 87(2)(b) also stated that he was working and saw the melee. He did not want to participate in the investigation and refused to give a formal statement. He stated that he just remembered that there were a lot of drunk people outside who got into a fight and 15-20 police officers showed up to break things up. "§ 87(2)(b)" at § 87(2)(b) stated that she had spoken to the night clerk (who did not speak English) and he had not seen anything. Employees at Trattoria Spaghetti (Southwest corner of the Carmine/Bleecker intersection), Kirara Sushi (33 Carmine Street), and Unique Gifts and Souvenirs (253 Bleecker Street) stated that those establishments were closed at the time of night that the incident occurred. Canvass letters were posted inside the lobbies or on the outer doors of 13 Carmine Street, 239 Bleecker Street, 243 Bleecker Street, 247 Bleecker Street, and 249 Bleecker Street.

Civilians Not Interviewed

"§ 87(2)(b)" and "§ 87(2)(b)" declined to provide statements for this investigation due to their criminal charges and were therefore not interviewed. "§ 87(2)(b)" declined to participate because he did not want to.

"§ 87(2)(b)" (identified from police documents) and "§ 87(2)(b)" (identified from police documents) were not interviewed because they did not respond to three 'please call' letters mailed to each of them. This investigation was unable to find telephone numbers for any of those four individuals; searches of Lexis Nexis and the Coles directory returned negative results.

Five calls were made and three letters sent to "§ 87(2)(b)" and "§ 87(2)(b)" (identified by "§ 87(2)(b)". All three were unresponsive and therefore were not interviewed.

Similarly, four calls were placed to "§ 87(2)(b)" (identified as a witness by "§ 87(2)(b)". On the fourth call, "§ 87(2)(b)" answered and stated that he could not talk and would prefer to be emailed. Three 'please call' emails were thereafter sent to "§ 87(2)(b)" and he did not respond to any of them. He was therefore not interviewed for this investigation. "§ 87(2)(b)" also identified by "§ 87(2)(b)" was contacted by telephone and scheduled an appointment for July 2, 2007. She cancelled that appointment, rescheduled for July 12, 2007, and missed that appointment. "§ 87(2)(b)" did not respond to a subsequent 'missed appointment' letter and was therefore not interviewed.

This investigation had no addresses for "§ 87(2)(b)" and "§ 87(2)(b)" (both identified by "§ 87(2)(b)". "§ 87(2)(b)" provided a short initial statement (see above) but was unresponsive to four subsequent calls, and "§ 87(2)(b)" was unresponsive to five calls after missing a scheduled interview appointment. Neither was therefore interviewed for this investigation. Witnesses "§ 87(2)(b)" and "§ 87(2)(b)" provided telephone statements but made no FADO allegations and were therefore not formally interviewed.

"§ 87(2)(g)"
[REDACTED]

Finally, "§ 87(2)" (identified by "§ 87(2)(b)"), "§ 87(2)(b)" (identified by "§ 87(2)(b)" "§ 87(2)(b)" (identified by "§ 87(2)(b)" "§ 87(2)(b)" and "§ 87(2)" (both identified by "§ 87(2)(b)") were not interviewed based on the lack of identifying /contact information provided by those who identified them.

Officer Statements

• *Officer Nelida Flores*

Officer Flores prepared UF 61 #§ 87(2)(b) and arrest reports and criminal court complaints for "§ 87(2)" and "§ 87(2)(b)". The narratives are consistent. According to the paperwork, "§ 87(2)(b)" was fighting with another individual and that he refused to disperse when instructed to do so. "§ 87(2)(b)" was also fighting, refused to disperse when instructed, and attempted to obstruct the arrest of "§ 87(2)(b)" by pushing Officer Leahy. The supervisor on scene was Lieutenant Casey.

Officer Nelida Flores was interviewed at the CCRB on May 24, 2007. Officer Flores is a Hispanic female, 5'1" and 134 lbs. On November 10-11, 2006, Officer Flores was assigned to a 5:37pm-2:00am tour. At 3:30am, she was working overtime assigned to summons auto, working by herself in uniform and driving a marked RMP. Officer Flores read the following memo book entries into the record: "0325: 10-52, large fight c/o Carmine & Bleecker. 0345: 3 under, front of 25 Carmine Street (arrest time 0350). 0409: post 48 and 49 transported prisoners to stationhouse. 0407: 84, 6 Precinct, 62A in regards. 1) Summons issued to "§ 87(2)(b)" NYSID, for "§ 87(2)(b)". Officer Leahy (only cop) attempting to disperse crowd—around 5-8 people. Defendant refused to stop fighting, causing public alarm

and crowd to gather (fights initiated from original 10-52 from church). Summons #§ 87(2)(b) 2) § 87(2)(b) Upon name check, was found to have open/active warrants, docket #§ 87(2)(b) § 87(2)(b). Also involved in fight and refusing to disperse when told by police, causing public alarm, a crowd to gather, and vehicle traffic to come to a stop. Arrest #§ 87(2)(b) Warrant verified by Detective Jurtensen—Warrants. 3) § 87(2)(b) Arrest #§ 87(2)(b) Also involved in fight. I observed him shove Officer Leahy in order to prevent him from breaking up fight/making arrest. § 87(2)(b) § 87(2)(b). 1400: Spoke to ADA. 1455: Faxed paperwork. 1623: end of tour.” At the time of her CCRB interview, Officer Flores had been a police officer for about 15 years, with 14 ½ years at the 6th Precinct.

Around 3:25am, Officer Flores was in the vicinity of 6th Avenue and Minetta Lane, writing tickets to individuals who had been urinating in public. She heard a commotion coming from the direction of Carmine Street and Bleecker Street, so she got in her car and drove across the street. She did not exit the vehicle. She called over the radio that she had a pickup of a dispute in that area. Officer Flores then observe one unknown male chasing another and holding something black in his hand. Officer Flores attempted to pursue them by driving the wrong way down 6th Avenue, but could not because of the traffic in the area. Officer Flores then went back to the scene. There were so many people in the street that she could not get her car into the area, but she angle-parked at the corner of Bleecker Street and 6th Avenue and exited the vehicle. There were also people covering the triangular park between Sixth Avenue, Carmine Street, and Bleecker Street. When she exited, she observed that an estimated ten other officers had also responded. Officer Flores observed about 100 people fighting in the street. Officers ordered them to disperse but the crowd did not do so. Officers were attempting to break up fights. Officer Flores described her actions at the scene as follows: “What I did was, whoever didn’t wanna stop fighting and it was out of control, I maced a few people.” Officer Flores estimated that she used her pepper spray five or six times. She recalled that the first time she sprayed, she was on Carmine Street between Bleecker Street and 6th Avenue, and she hit between 6 and 8 people. She only maced individuals who were fighting and refused to stop when told to do so by officers. She did not mace anyone that was not fighting. Officer Flores recalled that she and other officers repeatedly yelled “Police,” but that the individuals fighting were largely unresponsive.

After about ten minutes, Officer Flores recalled that she looked down Carmine Street between Bleecker Street and Bedford Street and observed Officer Leahy attempting to break up a fight involving 5-8 individuals. He was the only officer in the vicinity and Officer Flores headed over to assist him. By that time, about 20 officers had responded to the scene in total. As she went down Carmine Street, Officer Flores observed one of the civilians, later identified as § 87(2)(b) swing in Officer Leahy’s direction. Officer Leahy’s head went back and it appeared to Officer Flores that he had been hit. Officer Flores ran over and discharged her mace, striking the civilians in the fight as well as Officer Leahy. Other officers followed Officer Flores down the street, including Officer Luffi, Officer Ankele, and Officer Taylor. The civilians began running away, but three of them (later identified as § 87(2)(b) and § 87(2)(b) were unable to get far because of the mace and officers caught up to them and placed them in handcuffs. Officer Luffi, Officer Ankele, and Officer Taylor assisted Officer Flores in doing so. § 87(2)(b) and § 87(2)(b) and § 87(2)(b) were placed in handcuffs and walked over to a van belonging to Post 48/49. As they walked back, Officer Flores saw Lieutenant Casey, who asked her what happened. Officer Flores told Lieutenant Casey and Lieutenant Casey told Officer Flores that the three individuals “were under.” Officer Flores accompanied her prisoners back to the 6th Precinct in the van, giving her car keys to an unrecalled officer before she left the scene.

Officer Flores recalled that besides her lieutenant, Lieutenant Casey, there were other supervisors present, but did not recall which specifically. Officer Flores also thought that officers from other commands, including some surrounding precincts and transit, were also present.

Officer Flores denied telling anyone, “You want some of this, motherfucker, I’m going to get another can.” She denied using any profanity at the scene and denied hearing any other officers use profanity. Officer Flores denied seeing a female whose skirt was ripped being arrested across Bleecker Street from the church. Officer Flores did not carry an asp or nightstick with her and just had her mace. Officer Flores observed multiple officers with their nightsticks and asps out but did not observe any officer striking civilians with their nightsticks or asps. Officer Flores did not know if any other officers used pepper spray on the scene but did not observe any other officers doing so. Officer Flores did not observe officers kicking civilians and did not observe any officers pick up any civilians and throw them out of the street. No one asked Officer Flores for her name or shield number and she did not observe any civilians

asking any other officers. Officer Flores did not recall being approached by any civilian who identified himself as a lawyer.

- *Officer Matthew Ramsingh*
- *Officer Kevin Mulcahy*

Officer Ramsingh prepared the following paperwork dealing with § 87(2)(b) UF61 § 87(2)(b), arrest report, criminal court complaint, and medical treatment of prisoner form. The paperwork was consistent. Officer Ramsingh stated that while he was trying to "calm a disturbance," § 87(2)(b) swung his fists at Officer Ramsingh and yelled, "They didn't do anything. Leave them alone." When Officer Ramsingh attempted to place § 87(2)(b) under arrest, § 87(2)(b) twisted away from him, refused to put his hands behind his back, and flailed his arms. Officer Mulcahy informed Officer Ramsingh that, in the struggle to arrest § 87(2)(b), § 87(2)(b) swung his arms and fists at Officer Mulcahy, causing pain to Officer Mulcahy's rotator cuff. § 87(2)(b) suffered unspecified head injuries and was treated at § 87(2)(b).

Line of duty paperwork was also prepared for Officer Mulcahy. The documentation consistently states that Officer Mulcahy injured his right shoulder while breaking up numerous fights and attempting to arrest an unspecified individual who physically resisted. Officer Ramsingh's witness statement states that the individual Officer Mulcahy was struggling to handcuff originally interfered in another arrest. Officer Mulcahy was treated for § 87(2)(b).

Officer Matthew Ramsingh was interviewed on June 19, 2007 at the CCRB and Officer Kevin Mulcahy was interviewed on June 20, 2007. § 87(2)(g)

Officer Mulcahy and Officer Ramsingh are both white males. Officer Mulcahy is 6'2" and 185 lbs with gray/white hair, and Officer Ramsingh is 5'6" and 224 lbs with brown hair.

On November 10-11, 2006, Officer Mulcahy and Officer Ramsingh were scheduled to work a 5:30pm-2:05am tour assigned to the 6th Precinct Cabaret Conditions unit. The officers were regular partners. As a result of this incident, Officer Mulcahy's tour was extended until 9:05am and Officer Ramsingh's until 5:40pm. The officers were dressed in uniform and were assigned to marked van #5957. Officer Ramsingh read the following memo book entries into the record: "0340: 61 to the corner of Minetta and Bleecker. St. Dispute in street. Multiple units on scene, multiple arrests made. 0342: 1 under by Officer Mulcahy, going to St. Vinny's. 0350: transported several under to 6th. Under reassigned. Officer Mulcahy out line of duty. Begin arrest process tour." Officer Mulcahy read the following memo book entries into the record: "0321: 10-85, large fight, Carmine & Bleecker Street—multiple under—hurt shoulder—LOD sick. 0905: end of tour." At the time of his interview, Officer Mulcahy had been a police officer for approximately seventeen years, all of that time spent at the 6th Precinct and the majority of that time spent assigned to the Cabaret unit.

Officer Ramsingh and Officer Mulcahy responded to a report of a large dispute at Carmine Street & Bleecker Street. The officers were just around the block, so it took them a very short amount of time to respond. Officer Mulcahy and Officer Ramsingh pulled their van up to the intersection, stopping it on Carmine Street just West of the intersection. There were between 100 and 200 individuals fighting in the street. Officer Ramsingh recalled that it appeared that he and Officer Mulcahy were the only officers there; he immediately requested additional units to the scene. Responders arrived within a minute.

When they first arrived, Officer Mulcahy and Officer Ramsingh went to one fight that was occurring on the Southwest corner of the intersection. Officer Mulcahy recalled that about six to eight individuals were fighting, and it seemed that one individual was being beaten. Officer Mulcahy and Officer Ramsingh tried to break up the fight by telling individuals to get off and telling members of the crowd to leave the scene. Some complied and others did not. Officer Ramsingh mentioned that he was knocked to the ground by civilians at one point but Officer Mulcahy did not mention that. Officer Ramsingh did not pursue the perpetrator or attempt to arrest him or her because there was so much going on.

Officer Mulcahy recalled that he and Officer Ramsingh then went to the Northwest corner of the intersection, where other fights had broken out. Officer Ramsingh recalled attempting to clear the block of Bleecker Street between 6th Avenue and Carmine Street. Officer Ramsingh pulled out his asp and, holding

it with both hands in front of his body, used it to push the crowd back up Bleecker Street. He did not strike anyone with his asp at any point during the incident.

Both officers recalled, Officer Ramsingh after specific questioning, observing two females fighting on the ground near the Northeast corner of Carmine Street & Bleecker Street. Officer Ramsingh recalled that he observed the females fighting on the ground and saw other unrecalled officers trying in vain to break them apart. One female was holding onto the other's hair. Officer Ramsingh went over to assist; he did not recall who those officers were. Officer Ramsingh grabbed the females' hands, trying to break their grip on each other. When questioned, Officer Ramsingh recalled that one female had a ripped skirt and her buttocks exposed. Officer Mulcahy stated that he did not assist in restraining either female. Officer Mulcahy was unable to recall how the two females were being restrained. Neither Officer Mulcahy nor Officer Ramsingh observed any officers strike either female with a nightstick or asp, put a foot on either female's neck, or push down on either female's back with the point of their nightstick or asp.

Both officers recalled that a male (independently identified by both by looking at arrest photos as § 87(2)(b)) approached (Officer Mulcahy thought he came from the Northeast corner sidewalk) and started telling the officers that the females hadn't done anything. Officer Mulcahy recalled the following: § 87(2)(b) pushed one of the two officers involved in physically restraining the two females at that moment. The officer who was pushed had just handcuffed or was just about to handcuff one of the females. § 87(2)(b) might have been the boyfriend of one of the females. The officer moved forward as a result of the push and a supervisor standing nearby told a group of 6-7 officers, "Lock him up," referring to the civilian. Officer Mulcahy did not know the identity of the supervisor and thought the supervisor was in uniform, though he was not sure.

Six or seven officers approached the male and attempted to grab § 87(2)(b) to handcuff him. At that point, the scene became a "giant mess." The officers were attempting to handcuff § 87(2)(b) and he resisted by pushing officers away. Officer Mulcahy went over to assist and was able to get his handcuffs on § 87(2)(b). Officer Mulcahy estimated that the struggle went on for no longer than a minute. § 87(2)(b) was not taken to the ground during the apprehension and Officer Mulcahy did not observe any officers strike § 87(2)(b) with a nightstick. After § 87(2)(b) was handcuffed, Officer Mulcahy noticed that § 87(2)(b) had a cut to his head and called an ambulance to transport § 87(2)(b) to the hospital. Officer Mulcahy did not know how § 87(2)(b) sustained the head injury.

Officer Ramsingh did not make mention of § 87(2)(b) pushing an officer. He recalled that Officer Mulcahy and several other officers went to grab § 87(2)(b) to arrest him and Officer Ramsingh heard § 87(2)(b) telling officers, "Get off of me, get off of me." Officer Ramsingh continued to try and separate the females. He did not see § 87(2)(b) being apprehended, had no physical contact with him, and did not observe any officers strike him in the head with a nightstick. Officer Ramsingh later observed head injuries to § 87(2)(b) but was unaware of how § 87(2)(b) sustained those injuries.

Officer Ramsingh also recalled that Officer David Taylor was injured during § 87(2)(b)'s apprehension, but did not know what happened to cause that injury. Officer Ramsingh confirmed that, when he noted on § 87(2)(b)'s arrest report that § 87(2)(b) was interfering in another arrest, he was referring to the arrests of the two fighting females. When questioned, Officer Ramsingh did not recall any other male getting arrested in the vicinity of the two females. He was told that the male allegedly had an altercation with Officer Bedell, but did not recall anything about that.

Officer Mulcahy waited with § 87(2)(b) until the ambulance arrived and then went with him to § 87(2)(b). They waited for the ambulance on Carmine Street West of where Officer Mulcahy's van was parked. Officer Mulcahy remained at the hospital until a sergeant arrived, and he informed the sergeant that he was injured and would go line of duty. The arrest was reassigned to Officer Ramsingh. Officer Mulcahy was treated at § 87(2)(b) and was diagnosed with a § 87(2)(b) an injury that he sustained at some point during the process of breaking up fights. He had no additional injuries.

Officer Mulcahy stated that § 87(2)(b) was the only arrested individual he dealt with. When questioned, Officer Ramsingh stated that he recalled that an officer was pepper-sprayed and that a pursuit ensued down Carmine Street for civilians, but he did not participate in that. Officer Ramsingh recalled that he transported him and 4-5 other civilians back to the 6th Precinct in the prisoner van and that § 87(2)(b) was taken to the hospital from the precinct. Officer Ramsingh denied striking anyone in the face in the prisoner van. Officer Ramsingh denied using profanity at the scene. It was hard for him to

distinguish who was saying what because everyone was yelling, but he denied hearing any officers state to civilians, "What, you want to be on the fucking floor with her?" Both Officer Ramsingh and Officer Mulcahy carry pepper spray but neither used it at the scene. Officer Mulcahy normally carried a gun, handcuffs, mace, and a radio on his tool belt. He did not normally carry an asp or nightstick. Both officers denied observing any civilians struck with asps or nightsticks at the scene.

Both officers denied observing any female being picked up and thrown out of the street onto the sidewalk. Officer Ramsingh did not see Officer Odonnell at the scene. Officer Mulcahy recalled seeing Officer Odonnell on Carmine Street, but did not observe him making any arrests. Neither officer was asked for his name or shield number and neither recalled being approached by a male who identified himself as a lawyer. Neither officer observed Officer Sansone push a black male and neither recalled seeing Officer Sansone at the scene at all. Neither officer observed an officer push, use profanity towards, or pepper-spray a black male on Bleecker Street North of the Carmine Street intersection. Neither officer assisted in any additional arrests. Officer Mulcahy denied hearing any officer state, referring to a can of pepper spray, "You want some of this, motherfucker? I'm gonna get another can." Officer Mulcahy did not recall seeing either of the two females restrained on the ground being struck with nightsticks.

- *Officer William Bedell*
- *Officer Louis Maniscalco*

UF 61 #§ 87(2)(b) and arrest report #§ 87(2)(b) were prepared by Officer Maniscalco and detail the arrest of § 87(2)(b) § 87(2)(b) allegedly attacked an officer who was restraining another individual, tackled the officer, and attempted to punch the officer in the head. § 87(2)(b) allegedly fought with police who attempted to restrain him. The listed supervisor on scene was Lieutenant Casey.

Officer Bedell issued § 87(2)(b) a summons for § 87(2)(b) at Carmine and Bleecker Streets at 3:22am on November 11, 2006.

Officer William Bedell was interviewed at the CCRB on April 18, 2007 and Officer Louis Maniscalco was interviewed on May 25, 2007. Officer Bedell is a white male, 5'8" and 170 lbs, with red hair and a thick moustache. Officer Maniscalco is a white male, 5'9" and 200 lbs, with brown hair. § 87(2)(b) On November 10-11, 2006, Officers Bedell and Maniscalco worked an 11:15pm-7:50am tour assigned to patrol sectors HI of the 6th Precinct, dressed in uniform and were assigned to a marked vehicle. Officer Bedell had no pertinent memo book entries but had an independent recollection of the incident. Officer Maniscalco read the following memo book entries into the record: "0320: 10-85, Carmine and Bleecker. 0343: 1 under: § 87(2)(b) § 87(2)(b) M Hisp, 5'8", 170, § 87(2)(b) ."

Officer Maniscalco and Officer Bedell responded to a call for assistance by officers in the vicinity of Carmine Street and Bleecker Street. Due to snarled traffic, they parked their RMP on Cornelia Street & Bleecker Street and proceeded on foot. Around the intersection of Carmine Street and Bleecker Street, there was a crowd gathered. Officer Bedell estimated there to be 300 people in the street while Officer Maniscalco estimated 100-200. There were multiple fights going on. Officer Maniscalco described the scene as "a very large disorganized melee."

Officers Bedell and Maniscalco observed two Hispanic females fighting. Officer Bedell recalled that the females were located next to the corner with Abitino's pizzeria. Several unknown officers were on the ground trying unsuccessfully to pull the females apart. Officer Bedell believed that those officers were uniformed males from the 6th Precinct. Officer Maniscalco recalled that each female was holding onto a clump of the other's hair. Officer Maniscalco recalled that he held down the legs of one of the combatants, a Hispanic female in her 20s with a stocky build, slightly overweight but not heavyset (identified by this investigation as § 87(2)(b) § 87(2)(b) was trying to kick and Officer Maniscalco held her legs to prevent her from doing so. Officer Bedell recalled that he handcuffed one of the females, who had a heavyset build (also identified by this investigation as § 87(2)(b) Officer Bedell used his body weight to keep § 87(2)(b) on the ground after handcuffing her. First he used his knee, pressing his knee on her lower back. Then, when he stood up, he put his foot on her lower back. Officer Bedell denied applying pressure to the top of § 87(2)(b)'s back or to her neck. Officer Bedell was shown a photo of § 87(2)(b) and stated that it could have been the female he handcuffed but that he was not sure. Officer Maniscalco recalled that he and Officer Bedell were restraining the same individual. Officer Maniscalco remained on § 87(2)(b)'s legs for 10-15 minutes; all the while, officers were attempting to get the two females completely separated. Officer Maniscalco recalled that there were about three other officers involved in restraining § 87(2)(b)

Officer Maniscalco and Officer Bedell offered slightly differing narratives of § 87(2)(b)'s arrest. Officer Maniscalco stated the following: As the officers held § 87(2)(b) down, Officer Maniscalco observed a male later identified as § 87(2)(b) approach Officer Bedell from behind. Officer Maniscalco observed § 87(2)(b) strike Officer Bedell in the back, "like a football check," driving into him with one elbow and pushing him. Another officer jumped to Officer Bedell's defense. Officer Bedell, § 87(2)(b) and the other officer went out of his line of sight and Officer Maniscalco stated that he did not see anything that occurred after that with § 87(2)(b). Officer Maniscalco did not know if § 87(2)(b) was taken to the ground and did not know if § 87(2)(b) was struck with any nightsticks or asps. Officer Maniscalco did not observe any of § 87(2)(b)'s arrest.

Officer Bedell stated the following: As he stood with his foot on § 87(2)(b)'s back, a male later identified as § 87(2)(b) approached him from behind, from the Sixth Avenue side of Bleecker Street, and yelled something. Officer Bedell turned and § 87(2)(b) pushed Officer Bedell's shoulder in an attempt to push him off § 87(2)(b). Officer Bedell turned and observed § 87(2)(b) ball his fists and draw back in preparation to hit Officer Bedell. Before he could do so, another officer tackled § 87(2)(b) to the ground. Officer Bedell did not recall who that officer was. He stated, "Everybody was wearing blue. It's a little hard...It was just a big mess out there." About three officers then handcuffed § 87(2)(b). When asked if the officers hit the male with nightsticks, Officer Bedell stated, "I couldn't tell you." Officer Bedell did not know if the officers who handcuffed the male were the same officers or different officers than initially broke up the fight between the two females. Officer Bedell stated: "I saw him getting tackled but that was about the end of it. I had a prisoner to maintain." Officer Maniscalco was shown the UF61 report prepared by him in connection with the arrest of § 87(2)(b) and was asked where he obtained the information, written in the narrative, that § 87(2)(b) punched an officer and tackled the officer to the ground. Officer Maniscalco replied that he observed it, and referenced the push of Officer Bedell. Officer Maniscalco was reminded that he stated that Officer Bedell was pushed in the back, and Officer Maniscalco replied that he had meant to say that § 87(2)(b) pushed Officer Bedell in the back of the head.

After § 87(2)(b) was handcuffed, Officer Bedell recalled walking her to a prisoner van that was parked South of Bleecker Street on Carmine Street. Officer Bedell denied using any force against § 87(2)(b) other than his body weight in holding her down with his foot. While Officer Bedell was present, no officers hit the female with nightsticks or asps.

After Officer Bedell was pushed and § 87(2)(b) was taken into custody, Officer Maniscalco and Officer Bedell split up. Officer Maniscalco proceeded to attempt to clear the streets on Carmine Street between Bleecker Street and 6th Avenue. Officer Maniscalco verbally instructed civilians to get off the corners. Officer Maniscalco denied using any profanity at the scene. Officer Maniscalco did not recall being approached by any civilian identifying himself as a lawyer.

Officer Bedell also walked around breaking up fights and attempting to disperse the crowd. When asked the locations of the fights he broke up, he stated that he could not: "Pick a block, pick an address." There were fights going on up and down both Bleecker Street and Carmine Street. At one point, he responded to a pursuit only to find that it had ended by the time he got there. Officer Bedell found Officer Maniscalco again at some point during the period that he was breaking up fights. Officer Bedell did not use his pepper spray at any point and did not observe other officers doing so. He did not hear any officers state, "You want some, motherfucker, I'm gonna go get another can." Neither officer observed any further arrests and neither observe any civilians being struck with nightsticks or asps. Neither officer was asked for his name or shield number. Aside from § 87(2)(b) both officers denied having physical contact with any other civilians at the scene. Officer Maniscalco maintained that, on the date of this incident, he did not regularly carry a nightstick or asp with him. He normally carried his firearm and pepper spray. Both officers were only on Bleecker Street between Carmine Street and Leroy Street when going to the intersection from their vehicle when they initially arrived at the scene. Officer Maniscalco did not recall seeing Officer Sansone at the scene and did not recall seeing Officer Sansone push any civilians or tell any civilians to "get the fuck out of here." Officer Maniscalco did not observe any officers pick any civilians up and throw them out of the street. Officer Bedell denied using any discourteous language or profanity at the scene. Officer Bedell emphasized that the scene was very loud, and that many individuals were yelling. Officer Bedell estimated that 30-50 officers responded to the scene, including officers from multiple other commands. Officer Bedell stated that "most of Manhattan South" was at the scene. Officer Bedell was shown photos of § 87(2)(b) and § 87(2)(b). He did not recognize anyone with the exception of § 87(2)(b) who he stated

looked vaguely familiar. When Officer Bedell and Officer Maniscalco returned to the 6th Precinct, Officer Bedell issued § 87(2)(b) a summons for § 87(2)(b). Officer Maniscalco was assigned § 87(2)(b)'s arrest, possibly by Lieutenant Casey, because he witnessed § 87(2)(b) push Officer Bedell.

- *Officer Arthur Leahy*

Officer Arthur Leahy was interviewed at the CCRB on May 25, 2007. Officer Leahy is a white male, 5'8" and 165 lbs, with a moustache, glasses, and dark brown hair. On November 10-11, 2006, Officer Leahy was assigned to a 9:00pm-5:35am tour. He was initially the executive officer's operator and was later reassigned to training footpost #3, covering portions of Christopher Street and Hudson Street. He was working alone, on foot, and was dressed in uniform. Officer Leahy read the following memo book entry into the record: "0349: 10-85, Carmine and Bleecker Street. Was maced by officer. No medical needed."

Officer Leahy was on post at 3:49am when he received a call for assistance over the radio and ran to the vicinity of Carmine Street and Bleecker Street. He went East on Carmine Street to the Bleecker Street intersection. He observed a large crowd of civilians and a number of officers trying to clear the scene. At the intersection, Officer Leahy met Lieutenant Casey, who told him to try and clear the streets and sidewalks. Officer Leahy began to clear the block of Carmine Street between Bleecker Street and Bedford Street. A female approached Officer Leahy and pointed out a fight that was going on the South side of that block. Officer Leahy was the furthest officer down the block, so he went over alone to where the argument was occurring. It appeared to be a pushing match between four Hispanic males. Two of the combatants separated pretty easily, but the others did not. One male pushed Officer Leahy back and swung his fist at Officer Leahy. Officer Leahy moved his head back and avoided being struck by the punch.

At that point, an unknown officer (identified by this investigation as Officer Nelida Flores) came up behind Officer Leahy and discharged pepper spray on the civilians. Officer Leahy was also struck by the spray and it impaired his vision. One of the four males took off running West on Carmine Street, and Officer Leahy did not know what happened to him. Another officer, possibly Officer Hockaday, walked Officer Leahy back to where an ambulance was parked on the South side of Carmine Street and Bleecker Street and the EMTs washed out Officer Leahy's eyes. He was not transported to the hospital. Officer Leahy then left the scene in an RMP with another officer, possibly Officer Odonnell, and was driven back to the 6th Precinct. He had no physical contact with any other civilians. Officer Leahy thought the individuals whose fight he tried to break up were summonsed on the scene and were not taken into custody. He did not know if they were taken to the ground.

Officer Leahy did not witness any arrests at the scene. He did not observe any officer holding a civilian down with his foot on the civilian's neck. He did not observe any officer using a nightstick or an asp to hold a civilian down. Officer Leahy stated that he normally carried an asp but that it was never out during this incident. Officer Leahy denied using any profanity at the scene and denied hearing any other officers use profanity. Officer Leahy did not recall being asked for his name or shield number and did not recall interacting with any civilian who identified himself as a lawyer. Officer Leahy did not observe any officer striking or pushing civilians with nightsticks or asps. Officer Leahy did not tell any civilian, "You don't want none of this." Besides the pepper spray already mentioned, Officer Leahy did not observe any further use of pepper spray at the scene. Officer Leahy did not see Officer Sansone at the scene and was never on the block of Bleecker Street between Carmine Street and Leroy Street. Officer Leahy did not observe any officers kicking civilians and did not observe any officer pick up any civilians and throw them out of the street. After Lieutenant Casey told Officer Leahy to clear the street, Officer Leahy did not recall seeing Lieutenant Casey again. Officer Leahy did not recall seeing any officers with their asps out.

Officer Leahy graduated from the Police Academy and was assigned to the 6th Precinct in June 2006. Officer Leahy was shown photos of § 87(2)(b) and § 87(2)(b) and did not recognize any of those individuals.

- *Officer David Taylor*
- *Officer Michael Carreras*

Officer Taylor wrote a statement on his line of duty paperwork stating that he strained his left hand while assisting in an arrest, and also accidentally inhaled mace, which caused difficulty breathing. § 87(2)(b) treated him at § 87(2)(b). Officer Carreras provided a witness statement stating the same. § 87(2)(b)'s criminal court complaint was prepared by Officer Ramsingh. Officer Taylor

informed Officer Ramisng that, while he was attempting to arrest § 87(2)(b) swung his fists and arms at Officer Taylor, causing pain to Officer Taylor's finger.

Officer David Taylor was interviewed at the CCRB on June 15, 2007 and Officer Michael Carreras was interviewed on July 16, 2007. § 87(2)(g)

Officer Taylor is a white male, 6'3" and 250 lbs, with brown hair. Officer Carreras is a light-skinned Hispanic male 5'6" and 160 lbs, with black hair. On November 10-11, 2006, Officers Carreras and Taylor worked from 11:15pm-7:50am, assigned to patrol Washington Square Park in uniform and in a marked vehicle. Both officers have been members of the NYPD for about two years, assigned to the 6th Precinct the whole time. They are regular partners on the night tour. Officer Taylor read the following memo book entries into the record: "0315: 10-85 at Carmine and 6th Avenue. 0330: injured left hand and breathed in OC spray." Officer Taylor stated that after the incident he responded to a number of radio runs before noting in his memo book that he went to § 87(2)(b) at 5:50am. Officer Carreras read the following memo book entry into the record: "0315: 85 at 25 Carmine Street, large dispute. Partner injured left hand restraining perp."

Officer Carreras and Officer Taylor responded to a large dispute at 25 Carmine Street. They arrived at Carmine Street & Bleecker Street by driving the wrong way from 6th Avenue West on Carmine Street, stopping East of the Bleecker Street intersection. There was a large crowd in the street. Officer Taylor estimated there to be 50-60 people while Officer Carreras estimated 100-200. Officer Taylor recalled officers on the scene telling civilians to get back.

Upon exiting the vehicle, Officer Carreras and Officer Taylor observed two females lying on the ground. The females were being restrained by officers and were holding fast to each other's hair. Officer Taylor thought they were in the middle of the intersection and Officer Carreras thought they were located towards the Northeast corner of the intersection. Officer Carreras recalled that two uniformed officers were involved in restraining them at that point but did not recall their identity nor whether they were male or female. Officer Taylor recalled that there was a crowd of people North on Bleecker Street and West on Carmine Street that were attempting to get over to where the females were.

Officers Carreras and Taylor assisted the other officers in trying to separate the females by pulling their hands away from each other. Officer Taylor grabbed the arm and shoulder of a heavyset female. He recalled that the buttocks of one of the females was exposed but was not sure whether that was the female he was holding. Officer Carreras did not have any recollection of that and denied having his own asp out while dealing with the two females. Both officers recalled that the two females did not comply with repeated instructions from officers to let go of each other. At that point, Officer Taylor stated that he removed his asp, extended it, and struck the female he had been holding twice on the legs in order to gain compliance. Officer Carreras did not recall either female being struck in the legs with an asp. Officer Taylor stated that he did not use his asp any further during the rest of the incident. Both officers denied putting their foot on back of either female's neck. Both denied telling any civilians to "get the fuck away" or, "Do you want to be on the fucking floor with her?" Both denied using profanity at the scene.

Officer Carreras stated that, other than trying to pull the females apart, no additional force was used against either female. Officer Carreras thought that he, Officer Taylor, and the first two officers were the only four dealing with the two females. They finally broke the females' hold on each other and the crowd on the Northeast corner of the intersection began to increase. Officer Carreras knew Officer Bedell but did not recall if he was one of the two officers already dealing with the females.

Officer Carreras and Officer Taylor both recalled that Officer Taylor was injured while trying to assist another officer in an arrest, but the two officers provided differing accounts of how and when the injury occurred.

Officer Taylor recalled the following: while he was still dealing with one of the females, he heard yelling to his side. He looked over and saw an unknown male civilian (identified by this investigation as § 87(2)(b) "wrestling" with an unknown uniformed officer against Officer Taylor's vehicle. Officer Taylor estimated that he'd been holding the female for less than two minutes at that time. § 87(2)(b) appeared to have the unknown officer in a headlock and had his back to Officer Taylor. Officer Taylor reached out and grabbed the back of § 87(2)(b)'s shirt and his belt and pulled him back. § 87(2)(b) turned around towards Officer Taylor and the unknown officer got out of the hold. As § 87(2)(b) turned, Officer Taylor's fingers got twisted in the fabric, and he sustained a minor injury to his fingers for which he later received treatment at § 87(2)(b). Officer Taylor let go of § 87(2)(b) and had no further physical contact with him. Officer Taylor did not observe any officers hitting

§ 87(2)(b) with their nightsticks or asps. Officer Carreras recalled the injury happening at a later point (discussed below).

When questioned, Officer Taylor recalled that he did discharge his pepper spray at the scene and Officer Carreras stated that he observed Officer Taylor do so. Officer Taylor believed that he did so after he pulled the civilian male off of the unknown officer but Officer Carreras stated that he thought it was later, while they were doing crowd control. Both officers recalled that a crowd of civilians approached Officer Taylor in the area of the Northeast corner of the intersection, coming less than ten feet from Officer Taylor. Officer Taylor told them multiple times to step back and, when no one did so, Officer Taylor sprayed his pepper spray at the crowd in one burst lasting no more than a few seconds. Officer Carreras stated that he was about the same distance from Officer Taylor when he observed that.

Officer Taylor stated that, immediately after he discharged the pepper spray, he heard Officer Flores yelling that an officer was pepper-sprayed. Officer Taylor believed that Officer Flores said that a civilian sprayed the officer and then ran away West down Carmine Street. Officer Taylor took off running down Carmine Street with 5-6 other unknown officers in pursuit of two fleeing civilians. Officer Taylor thought that Officer Carreras might have been one of those officers. When Officer Taylor left, the two females still had a hold of one another on the ground. Officer Taylor did not see the officer who was reportedly pepper-sprayed. The officers chased the two males down Carmine Street and the two males turned left into one of the small side streets. The officers followed them and found them hiding in a stairwell. Officer Taylor did not have any physical contact with either individual and did not think that any force was used to apprehend them. Officer Taylor believed that, once those two individuals realized they were surrounded in the stairwell, they surrendered voluntarily. Officer Taylor did not take either individual to the ground and thought that the officers did not either. Officer Carreras had no recollection of that incident. He recalled seeing Officer Flores at the scene doing crowd control but did not take part in any pursuit and did not recall Officer Flores asking for assistance at any point during the incident.

Officer Carreras recalled the following: after the females were separated, Officer Carreras and Officer Taylor joined other officers in doing crowd control. Officer Carreras removed his asp and held it out in front of his body horizontally, with one hand on each end. He used the asp to push forward against the crowd that refused to disperse. Individuals were attempting to go over to the two females. Officer Carreras denied striking any civilian with his asp during the whole incident.

Officer Carreras was conducting crowd control primarily in the area of the Northeast corner of the intersection and in the North crosswalk on Bleecker Street. He estimated that he and Officer Taylor conducted crowd control for 10-15 minutes. During that time, there were two officers attempting to handcuff an individual against a police car near the Southeast corner of the intersection. The individual was resisting by refusing to give the officers his hands to be handcuffed. Officer Taylor and Officer Carreras went over and Officer Taylor attempted to help the other two officers. Officer Carreras did not physically intervene. Officer Carreras did not recall the identity of the other two officers. He did not know if they were from his command. Officer Carreras stated that multiple other commands were present and specifically recalled officers from the 1st Precinct and 5th Precinct. Officer Carreras was standing about two feet from Officer Taylor when Officer Taylor injured his hand attempting to assist the other officers. Officer Taylor had no physical contact with that civilian other than trying to pull his hands back and Officer Taylor did not hit him with a nightstick. Officer Carreras did not witness any additional force used by the other two officers and heard the officers telling the civilian multiple times to stop resisting.

Officer Taylor stated the following: When he and the other officers arrived back at Carmine Street & Bleecker Street after the pursuit with their prisoners, the crowd had begun to disperse. Some stragglers, most of them visibly intoxicated, were still on the scene trying to “bait the police,” but the scene had largely calmed down.

Neither officers recalled being asked for his name or shield number. Officer Taylor did not recall being approached by any civilian who identified himself as a lawyer. Both officers denied telling any male civilian, referring to an asp, “You don’t want none of this.” Both officers denied striking any civilians with their asps and did not observe any other officers doing so. Officer Taylor noted that he did observe a number of unrecalled officers with their nightsticks or asps out. Both officers denied conducting crowd control on Bleecker Street between Carmine Street and Leroy Street and both denied seeing an officer strike a black male with a nightstick, use profanity towards a black male, push a black male, or pepper-spray a black male in that area. Both officers stated that they witnessed multiple fights but no additional arrests. Neither officer recalled seeing Officer Sansone or Sergeant Odonnell at the scene. Officer Taylor recalled seeing Officer Mulcahy later at the hospital but did not see him on the scene. Neither officer

observed any officer pick up a civilian and throw her out of the street. Both officers were shown photos of § 87(2)(b)

Neither officer recognized anyone. Officer Carreras did not observe Officer Flores using pepper spray at the scene and did not observe any female officer state to any civilian, in reference to her pepper spray, “You want some of this, motherfucker? I’m gonna go get another can.” Other than Officer Taylor, Officer Carreras did not recall any other officer using pepper spray.

After the incident died down, the officers resumed patrol before Officer Taylor went to the hospital at around 5:30am for treatment for his wounded hand. In his interview, Officer Taylor did not mention that he was pepper-sprayed. Officer Carreras was shown Officer Taylor’s Aided report, which states that Officer Taylor inhaled pepper spray. Officer Carreras thought Officer Taylor might have inhaled some of his own spray, and could think of no other instance during the duration of the incident when Officer Taylor might have been sprayed. Through the course of the incident, Officer Taylor saw officers from ESU (with an ESU truck), the 5th Precinct, the 1st Precinct, and another unrecalled. Officer Taylor speculated that the call for assistance might have been put out over the citywide frequency.

- *Officer Kevin Odonnell*

Since the date of this incident, Officer Kevin Odonnell has been promoted to the rank of sergeant and reassigned to the 19th Precinct. He is referred to as Officer Odonnell in this report, the rank he held at the time of this incident.

Officer Kevin Odonnell prepared the following paperwork in relation to the arrest of § 87(2)(b) UF 61 #§ 87(2)(b), arrest report, criminal court complaint, and medical treatment form. The various narratives on the paperwork were consistent. Officer Odonnell stated that he observed a crowd of approximately one hundred people, approximately twenty of whom were fighting. Officer Odonnell observed § 87(2)(b) banging his head against the window of a police vehicle and repeatedly refused to move away. § 87(2)(b) stated, “Lay your hands on me, take me down; take me down, I’ll take you down.” When Officer Odonnell attempted to move § 87(2)(b) away, § 87(2)(b) pushed Officer Odonnell. § 87(2)(b) also resisted arrest by pulling away and “violently flailing” his arms. As a result of the incident, § 87(2)(b) suffered injuries to his right arm and shoulder.

Officer Kevin Odonnell was interviewed at the CCRB on May 23, 2007. Officer Odonnell is a white male with red hair, 6’2” and 205 lbs. On November 10-11, 2006, Officer Odonnell was assigned to a 5:30pm-2:05am tour assigned to Special Post 48/49. He was assigned to an extended tour until 0505, was working with Officer Waldhelm, and was dressed in uniform and assigned to a marked van. He read the following memo book entries into the record: “0325: 10-85, Carmine and Bleecker, large fight. 0330: 10-84. 0402: 10-92C at location. § 87(2)(b) approached van 5957 containing two perps and would not step away. Perp refused any orders to leave area. “Just lay your hands on me.” Perp refused to leave. 0407: 10-84 at stationhouse. 0500: Transport (bus 4B) to § 87(2)(b)—swollen R elbow, ACR #§ 87(2)(b) 0515: 10-84. 0930: Relieved by Officer Hom. 1000: 10-62 at stationhouse. 1620: Perp returns from § 87(2)(b) Fingerprinted—R elbow sprained.”

Officer Odonnell and Officer Waldhelm were on Washington Street when they received a call for assistance over the radio at Carmine Street and Bleecker Street. They responded, driving down Washington Street to Carmine Street, then East to the intersection of Carmine Street and Bleecker Street. As they approached the intersection, Officer Odonnell observed a riot occurring in the street near the intersection and more than 100 civilians outside. Officer Waldhelm and Officer Odonnell turned right at the intersection on Bleecker Street and parked facing away from the intersection near the corner of Bleecker Street and 6th Avenue. They exited the van and separated. Officer Odonnell observed 7-8 other police officers on the scene at that time and there were multiple fights going on. Officer Odonnell observed another marked van parked, #5957. Officer Odonnell observed two prisoners in the back of the van and saw that there were no officers guarding the van and none inside. Officer Odonnell then observed a male, later identified as § 87(2)(b) holding a cell phone, yelling, and banging on the side of the van. Officer Odonnell viewed a photo of § 87(2)(b) and confirmed that he was the individual he observed. Officer Odonnell approached § 87(2)(b) and told him to leave the scene. At that time, Officer Odonnell did not intend to arrest § 87(2)(b). It was nearly the end of his overtime tour and Officer Odonnell intended to clear § 87(2)(b) away from the van and send him on his way. § 87(2)(b) did not comply and turned and began to yell at Officer Odonnell. Officer Odonnell did not recall what § 87(2)(b) was saying. Officer Odonnell instructed § 87(2)(b) to leave approximately four times, and § 87(2)(b) refused to do so. § 87(2)(b) also made statements to the effect of, “Lay your hands on me,” and “Take me down.” Officer

Odonnell reached out to grab § 87(2)(b) and § 87(2)(b) struck Officer Odonnell two or three times in the left shoulder. Officer Odonnell suffered no injury as a result.

After § 87(2)(b) struck Officer Odonnell, Officer Odonnell decided to arrest him. The hits in the shoulder threw Officer Odonnell somewhat off balance, and Officer Odonnell grabbed § 87(2)(b) and both fell to the ground after struggling for 3-5 seconds. An unknown officer helped Officer Odonnell up off the ground, but then left. Officer Odonnell observed that § 87(2)(b)'s right arm was under his body and, as he pulled § 87(2)(b) up to handcuff him, Officer Odonnell noticed that § 87(2)(b)'s right arm appeared somewhat twisted and "not right." § 87(2)(b) appeared to be in pain. Officer Odonnell noted that § 87(2)(b) struggled somewhat on the ground, but speculated that it could have been because he was lying on the injured arm. There were no other officers involved in § 87(2)(b)'s arrest. Officer Odonnell later learned that there might have been an officer who was injured at the front of the van, but did not know that at the time. That officer later went to the hospital for exposure to mace, and Officer Odonnell thought it might have been Officer Mulcahy.

After Officer Odonnell handcuffed § 87(2)(b) he walked him back to his van, placed him inside, and sat in the front waiting for Officer Waldhelm to return. Officer Odonnell did not get out of the van again and, because he was faced away from the intersection of Carmine and Bleecker Streets, could not see what was going on there. Officer Odonnell estimated that he was outside the van during the incident for 3-5 minutes. Officer Odonnell waited for Officer Waldhelm for approximately 30 minutes with § 87(2)(b) inside the van, during which time two or three other prisoners were brought over and placed inside the van. After about 30 minutes, Officer Odonnell decided to leave the scene without Officer Waldhelm. He went back to the 6th Precinct with the prisoners. Officers were still attempting to clear the scene when Officer Odonnell left.

Officer Odonnell denied seeing officers mace any civilians, hit any civilians with nightsticks or asps, or use profanity or discourteous language towards civilians at the scene. Officer Odonnell did not witness any other individuals being arrested. Officer Odonnell later found out that Officer Waldhelm had gone inside the church on the corner (where the party that initiated the incident had been held) and wrote a summons to someone in the basement.

Officer Odonnell denied using mace against § 87(2)(b) and denied kicking him or striking him with a nightstick or asp. Officer Odonnell stated that the struggle happened so quickly and ended in such a short time that he would not have had time to spray § 87(2)(b). He also stated that he would have been hit with the mace if § 87(2)(b) had been sprayed. Officer Odonnell also stated that he carries an asp but that it does not extend (it might be broken or defective) and that he never uses the asp because he does not feel comfortable with it.

- *Officer David Sansone*

Officer David Sansone was interviewed at the CCRB on May 22, 2007. Officer Sansone is a white male with brown hair, 6'0" and 185 lbs. On November 10-11, 2006, Officer Sansone was assigned to work from 5:30pm-2:05am on a footpost. He worked three hours of overtime for the Cabaret unit, from 2:05am-5:05am, assigned to Special Post 3, covering the area of 6th Avenue between Carmine Street and West 4th Street. Officer Sansone was dressed in uniform and was working with Officer Andrew Smith, who was assigned to Special Post #4, the adjoining footpost. Officer Sansone was appointed to the NYPD in July 2005 and has been assigned to the 6th Precinct since July 2006. He read the following memo book entries into the record: "0310: 85, large 10-52 at Bleecker & Carmine, mace used to clear multiple crowds; I inhaled mace from unknown officer; multiple injuries to various officers; numerous arrests. 0400: 10-84 at 006 Precinct (prisoner lodging)." Officer Sansone normally carries the following on his tool belt: firearm, two magazines, two pairs of handcuffs, asp, can of mace, and flashlight.

At around 3:10am, Officer Sansone and Officer Smith were on post when they heard a call for assistance called from Carmine Street and Bleecker Street. The officers ran down 6th Avenue to Carmine Street and across to Bleecker Street. Around the time that they arrived, Officer Sansone and Officer Smith separated and Officer Sansone did not recall seeing Officer Smith again during the rest of the time he was at the location. Upon arriving, Officer Sansone observed more than 150 people in the street. There were multiple fights going on, some involving civilians only and some involving civilians and police officers. Officer Sansone later found out that there was an "illegal Latin rap party" going on at the church on the corner and everyone had been thrown out of the party at the same time. Two rival factions got into a fight. Officer Sansone observed two police vehicles parked on Carmine Street slightly north of the Bleecker Street intersection. There were at least four officers there, including Officer Bedell and Officer

Maniscalco. Officer Sansone thought those two officers might have been the ones who called for assistance. The number of officers present later increased to 15-25 in total.

Officer Sansone observed Officer Bedell and Officer Maniscalco standing by one of the parked police vehicles. They were attempting to restrain a male on the ground. Officer Sansone denied seeing any officers hit that male with their asps or nightstick on his legs or back and denied seeing any officers hit the male with their asps or nightsticks over his head after he was handcuffed. Officer Sansone went over to help them out and as he was walking over, someone pushed him in the back. Officer Sansone turned and observed three males standing behind him. It appeared to Officer Sansone that they were trying to interfere in the arrest of the male. Officer Sansone and Officer Gandolfi, who was standing next to him, turned the three males and placed them against a wall by a pizzeria on the corner, holding them there. Officer Sansone believed that Officer Gandolfi was also assigned to a footpost at the time of the call for assistance. The extent of the physical contact Officer Sansone had with them was to use one hand to hold each against the wall. Officer Gandolfi assisted. Officer Sansone did not recall what the three males looked like, but stated that one might have been Hispanic. Officer Sansone thought about arresting the males for pushing him and trying to interfere in the arrest of the male that Officer Maniscalco and Officer Bedell were dealing with, but the scene was too chaotic and it was unrealistic to arrest them with so much going on. Officer Gandolfi pointed out another fight and Officer Sansone released the three males and went to break up another fight which was occurring behind Officer Bedell and Officer Maniscalco. Officer Bedell and Officer Maniscalco were not involved and Officer Sansone did not know which officers were involved in that fight. When asked, Officer Sansone stated that, at that point, all of the fights involved both civilians and officers. After that, Officer Sansone did not recall exactly what happened, stating, "It was just fight after fight after fight."

Officer Sansone recalled that he also saw officers holding a short Hispanic female on the ground facedown, already handcuffed. The female was struggling on the ground and was "hysterical"; she was very small in stature and Officer Sansone did not feel her to be a threat, but he went over to help the officer who was holding her down. Officer Sansone helped the female up, walked her to one of the RMPs, and placed her inside. This took place in the same area as the arrest of the male Officer Maniscalco and Officer Bedell were dealing with. Officer Sansone viewed a photo of § 87(2)(b) and did not recognize her. He was then asked if he recalled dealing with any females that were arrested that had ripped skirts, and he recalled that the female he took to the RMP had a ripped skirt of a distinctive color, like pink. Officer Sansone did not recall if he was approached by any black males while he was dealing with the female. He was shown photos of § 87(2)(b) and § 87(2)(b) and did not recognize them.

Officer Sansone did not observe any officer with his foot on the back of the female's neck and did not observe any officer place his foot on the female's back or strike the female with a nightstick. When asked whether he observed her being taken to the ground, Officer Sansone stated that he remembered "a commotion...but I really couldn't tell you." Officer Sansone denied telling any civilians to "get the fuck away" from the female, and did not hear any other officers say that. When Officer Sansone took the female to the car, the other officers left and he did not know where they went. Officer Sansone denied telling any civilians, "What, do you want to be on the fucking floor with her?" and denied hearing any other officer make that statement. Officer Sansone was asked whether the female was present when the male was being arrested, and stated that he thought that she was there but did not recall what she was doing. Officer Sansone did not recall the female's face but recalled her skirt.

Officer Sansone did not discharge his mace during the incident. He observed mace "from time to time" but did not know who was doing it because there was so much mace in the air. Sometime in the "middle" of the incident, Officer Sansone also inhaled some mace. His breathing was affected but he did not seek medical treatment or fill out Line of Duty paperwork. Officer Sansone denied hearing any officer state, referring to her mace, "You want some more of this, motherfucker? I'm going to go get another can." Officer Sansone denied being asked for his name or shield number and stated that it was fully visible on his uniform. Officer Sansone denied telling any civilians, referring to his asp, "You don't want none of this." Officer Sansone denied striking anyone with his asp on the scene and denied removing it from his toolbelt. Officer Sansone denied observing any officers striking any civilian over the head with an asp. Officer Sansone observed multiple officers with their nightsticks or asps out, but did not observe any using those implements to strike civilians. Officer Sansone denied observing any officer push a black male, strike a black male with a nightstick, or pepper-spray a black male on Bleecker Street as the male was heading away from the intersection of Carmine Street and Bleecker Street. Officer Sansone denied telling anyone to "get the fuck out of here." Officer Sansone denied observing any officers kick any civilians. Officer

Sansone viewed photos of § 87(2)(b) and § 87(2)(b) and recalled seeing them only in the van as he transported the prisoners back to the stationhouse. When asked if he observed any officer twisting § 87(2)(b)'s arm up behind his back, Officer Sansone stated that he recalled § 87(2)(b) wearing a sling, as shown in his arrest photo, but did not see anything at the scene. Officer Sansone denied seeing any officer kick § 87(2)(b) or strike § 87(2)(b) with a nightstick.

Officer Sansone viewed a photo of § 87(2)(b) and did not recognize him. Officer Sansone viewed a photo of § 87(2)(b) and stated that he looked familiar. Officer Sansone recalled seeing § 87(2)(b) yelling but did not recall anything else that he did.

Officer Sansone stated that, during the course of the incident, the situation seemed to escalate before it eventually calmed down. The officers told civilians at the scene to go home, but they did not comply. Officer Sansone estimated that it took the officers approximately 15 minutes to get the crowd under control, but stated that "it felt like forever." Officer Sansone could not identify any specific supervisors who were on the scene.

Officer Sansone also recalled seeing Officer Sokoloff, Officer Kopystianskyj, and Officer Rainero at the scene as well (Officer Sansone consulted the roll call to identify Officer Kopystianskyj and Officer Rainero). He recalled seeing all three "towards the middle" of the incident and recalled that Officer Sokoloff was also assigned to a footpost. Officer Sokoloff's arrest was assigned to him after the prisoners had been lodged at the 6th Precinct. He and Officer Sansone went back to the church and dumped out all the alcohol from the party.

Officer Sansone stated that, during the incident, he placed his hand on several people to walk them away from the scene, but he denied pushing anyone or hitting anyone with his asp. Officer Sansone did not recall interacting with anyone who identified himself as a lawyer. Some officers at the scene inhaled mace, including Officer Smith, but neither Officer Sansone nor Officer Smith was seriously incapacitated. Officer Sansone thought that two civilians were injured, and recalled an ambulance being called for one. Officer Sansone thought the prisoners were transported to the precinct in a van belonging to Cabaret post 48/49. Prisoners were placed in the van because there were too many to fit in the police cars.

Officer Sansone recalled officers from multiple commands being present on the scene, including officers from the 9th, 10th, and maybe 1st Precincts. It "felt like all of Manhattan South" was there.

- *Lieutenant Michael Casey*

Lieutenant Michael Casey was interviewed at the CCRB on May 24, 2007. Lieutenant Casey is a white male with brown hair, 5'7" and 170 lbs. On November 10-11, 2006, Lieutenant Casey was assigned to a 2:00pm-10:35pm tour but worked overtime until 5:30am. Lieutenant Casey was the 6th Precinct Special Operations Lieutenant and was overseeing other units, including Anticrime and Conditions, that were working overtime. He was working alone and was dressed in plainclothes. He was not wearing a raid jacket but was wearing his shield. Lieutenant Casey had no pertinent memo book entries but had a recollection of the incident

Lieutenant Casey was inside the 6th Precinct when he received a call over the radio from Officer Flores, who he knew to be in a car by herself assigned to write summonses in the area. Officer Flores reported a large fight in the area of Carmine Street and Bleecker Street. Lieutenant Casey had an independent memory of seeing people entering the basement of Our Lady of Pompeii Church at that intersection earlier in the day. At the time, he had assumed that there was some kind of family function in the church. Lieutenant Casey left the precinct on foot and responded to the location. Because he was dressed in plainclothes, he had his firearm, radio, and handcuffs, but had no additional tools.

When Lieutenant Casey arrived at the scene, he observed 75-100 people blocking the intersection. Traffic was completely stopped and there were pockets of fighting in the crowd. There did not appear to be any weapons involved in the fight. Other officers had responded as well and began trying to break up the fights by pulling people apart and telling them to leave.

When he first arrived, Lieutenant Casey found Officer Flores; he wanted to check to make sure she was alright since she had initially reported the fight. Lieutenant Casey also saw Officer Leahy, one of his training officers. Officer Leahy was trying to break up a fight between civilians by trying to pull the civilians apart. Lieutenant Casey recalled that Officer Leahy's glasses fell off and that Officer Flores went over to help him. Officer Leahy was located on Carmine Street close to Bleecker Street. Officer Flores was telling people to disperse but the crowd was unresponsive to her instructions and the fights continued. After a few minutes, the scene appeared to have calmed down a little bit. Lieutenant Casey did not observe any officers with their nightsticks or asps out and did not observe any officers striking any civilians with

their nightsticks or asps. After the incident was over, Officer Flores informed Lieutenant Casey that she used her pepper spray at the scene, but Lieutenant Casey did not observe her doing so.

After about five minutes, Lieutenant Casey observed that the crowd seemed to be coming from the church. There were still people exiting the church. Lieutenant Casey went into the church and downstairs to investigate. Downstairs, he found that there appeared to have been an illegal cabaret. A private bar with waitresses was set up and there were numerous empty bottles of alcohol. Lieutenant Casey ran into one of the church janitors and the janitor told Lieutenant Casey that someone must have lied to the church Father about the kind of party that was going to occur. Lieutenant Casey later discovered that the fight stemmed from two groups of people from rival housing projects, some of whom were intoxicated. There had been so many people crammed into the basement that the walls were wet from the dancers' perspiration. Lieutenant Casey realized that he needed additional officers to help him clear the remaining civilians from the church and to arrest the organizer of the party.

Lieutenant Casey exited the church and went back outside onto Carmine Street. When he exited, he observed that fights were still going on, but were flaring up away from the intersection and were mostly going on down the block. Lieutenant Casey both observed individuals being arrested and instructed that some be arrested as well. Lieutenant Casey thought that there were more civilians in the street when he exited the church than when he entered because people had still been in the process of leaving the party while he was in the church. Lieutenant Casey noted that he had some officers temporarily hold those who were still inside the church inside until the street began to clear.

Lieutenant Casey recalled that other supervisors were present, but did not recall which supervisors were there from the 6th Precinct. A uniformed sergeant from the 9th Precinct or the 5th Precinct who had been driving uptown on his way back from a detail saw what was going on as he passed and stopped to ask Lieutenant Casey if he needed assistance. By the time the sergeant came over, the officers on scene had the incident under control and Lieutenant Casey told the sergeant that he did not need any help. Lieutenant Casey did not know the sergeant's name. Lieutenant Casey did not recall seeing any officers from other commands, but later heard other officers saying that members of the 9th Precinct had responded. When asked how many officers responded to the scene in total, Lieutenant Casey estimated that there were a few in addition to the 10-15 present when he arrived.

Lieutenant Casey observed some arrests taking place and directed officers to effect additional arrests. Of those arrests that he did not order, Lieutenant Casey recalled five or six people arrested including multiple males and maybe one female. He did not recall which officers effected the arrests and did not recall any further distinguishing details of the arrests. Lieutenant Casey viewed photos of § 87(2)(b)

§ 87(2)(b) and § 87(2)(b). He recognized § 87(2)(b) as an individual that he directed Officer Flores to arrest and thought that he saw § 87(2)(b) inside the precinct. Lieutenant Casey stated that the people in the crowd were largely in their 20s.

Lieutenant Casey recalled that he observed one individual being arrested and another tried to interfere in the arrest by pushing officers. He instructed Officer Flores to arrest the second individual. Officer Flores had multiple arrests, and two of the individuals she arrested were brothers. Lieutenant Casey recalled that back at the precinct, one brother was going to be put through the system because of an active warrant, but the second brother was going to be released with a summons. The second brother wanted to go through the system, however, to accompany his brother.

When questioned, Lieutenant Casey recalled that Officer Mulcahy injured his back during the incident. Lieutenant Casey denied seeing a female being arrested by the pizza parlor across the street from the church and denied seeing any female on the ground with her skirt ripped up the back. Lieutenant Casey did not recall being approached by any civilian who identified himself as a lawyer and stated that he would be representing his friends who had been arrested. Lieutenant Casey did not observe any officers kicking civilians and did not observe any officer pick up any civilian and throw him or her out of the street. Lieutenant Casey did not use any profanity at the scene and did not witness any other officers doing so either.

Because the crowd was being slow to disperse, Lieutenant Casey instructed officers to stand shoulder to shoulder and walk down the block to clear it. Once the crowd saw that people were being arrested, they began to dissipate. Lieutenant Casey requested a van to the location for prisoner transport.

Lieutenant Casey remained on the scene after the crowd dispersed and other offices left because he wanted to get further details about what had happened at the party. He remained on the scene for an estimated 25-30 minutes in total and directed that the organizer of the party be arrested as well. Lieutenant

Casey received a voicemail the following day from the church Father who stated that the party organizers had lied about the nature of the party.

Officers Not Interviewed

§ 87(2)(g)

Civilian Medical Records

- § 87(2)(b) walked into § 87(2)(b) at § 87(2)(b). She reported that she had been assaulted at a church party at 3:00am that day. § 87(2)(b) reported that she had been pulled down by her arm. She had abrasions to both knees and feet and the undersides of both wrists and had ecchymoses to her right forearm and the back of her left thigh. § 87(2)(b) also had an abrasion on her left cheekbone. § 87(2)(b) was given Tylenol and Motrin for pain and was discharged at 11:55pm.
- § 87(2)(b)'s Prehospital Care Report states that he told EMTs in the 6th Precinct holding cell that an officer "twisted" his right arm behind his back. He denied any other symptoms. The report notes that EMTs were unable to splint the arm because § 87(2)(b) was completely unable to extend it. § 87(2)(b) was admitted to § 87(2)(b) at § 87(2)(b) accompanied by Officer Odonnell and was discharged that same day at 3:00pm. § 87(2)(b) reported pain to his right elbow and shoulder. Xrays showed that the right elbow and shoulder were not fractured or dislocated. § 87(2)(b) was diagnosed with a right elbow sprain and released with instructions to take Motrin. § 87(2)(b) returned to § 87(2)(b) on § 87(2)(b) and reported that his pain had increased and his range of movement had decreased. He was unable to move his elbow or shoulder. § 87(2)(b) was again evaluated and examination showed no fracture or dislocation. He was released and advised to avoid use of the right arm and shoulder.

Police Officer Medical Records

Along with requested line-of-duty paperwork, the 6th Precinct also provided the undersigned investigator with hospital discharge forms for Officer Demotrios Kola, Officer Kevin Mulcahy, Officer Richard Rainero, and Officer David Taylor. All four officers were treated at § 87(2)(b) on § 87(2)(b) by § 87(2)(b) and were released the same day. § 87(2)(b)

Police Documents

- *Roll Call: November 10-11, 2006, tour 3 and tour 1*
Officer Odonnell, Officer Ramsingh, Officer Sansone, Officer Mulcahy, and Officer Palmer were assigned to work 5:30pm-2:05 am. Officer Odonnell was assigned to special posts #48/49 in van #5709, Officers Ramsingh and Mulcahy were assigned to cabaret conditions in van #5957, and Officer Sansone was assigned to a footpost. Officer Flores was assigned a 5:37pm-2:00am tour as the auxiliary coordinator. Lieutenant Casey was the special operation lieutenant with an assigned tour of 2:45pm-11:30pm. Officer Maniscalco, Officer Bedell, Officer Carreras, and Officer Taylor were assigned to work 11:15pm-7:50am. Officer Maniscalco and Officer Bedell patrolled sectors HI while Officer Carreras and Officer Taylor were assigned to Washington Square Park.
In the 1st Precinct, Officer Marvin Johnson and Officer Robert Roman were assigned to an 11:15-7:50am tour patrolling sectors EFG. In the 5th Precinct, Officer Kenneth Gorodovich and Officer Steven Bobbett were assigned to work a 9:00pm-5:25am conditions tour.

- *Sprint Report*

At 3:22am on November 11, 2006, a dispute involving a large crowd was reported in the vicinity of Carmine Street and Bleecker Street. A 6th Precinct lieutenant and footpost reported their arrival at 3:23am and 6th Precinct Conditions did the same at 3:24am. An anonymous male caller called 911 at 3:25am, leaving the line open, and a loud background dispute was heard. At 3:26am, an undesignated 6th Precinct unit requested no further units to the location. The lieutenant requested two ambulances for injured persons and reported that no MOS were injured at 3:28am. 5th Precinct Conditions reported their arrival at 3:28am. An ambulance arrived on scene at 3:32am. Sector 1E left the scene at 3:34am. A female caller called 911 (callback number § 87(2)(b)) at 3:38 to report a commotion going down Bedford Street to Hudson Street [note: this is probably a typo, since Hudson runs North/South and is West of Bedford. The caller was probably referring to Houston Street.] The caller stated that officers were on scene. Another ambulance arrived at the scene at 3:41am and the 6th Precinct Patrol Supervisor verified three arrests at 3:42am. A 6th Precinct footpost was en route to § 87(2)(b) at 3:48am and sector 5E reported that they were leaving the scene at 3:51am. Sector 6A reported that they were en route to § 87(2)(b) at 4:09am with two officers who were maced in the face. Units that called in a final disposition after 4:45am included 6th Precinct Conditions, the 6th Precinct Patrol Supervisor, sector 6E, sector 6H and a number of 6th Precinct footposts.

- *UF 61 #§ 87(2)(b)*

The report, prepared by Officer David Sokoloff, details the arrest of § 87(2)(b) the party promoter, for unlicensed sale of alcohol. The arrest happened subsequent to the melee. The supervisor on scene was Sergeant Reyes.

- *6th Precinct Command Log: November 11, 2006*

§ 87(2)(b) and § 87(2)(b) were logged into the 6th Precinct at 3:50am. It is noted that § 87(2)(b) had facial injuries but refused medical attention. § 87(2)(b) and § 87(2)(b) were of "apparently normal" condition and neither requested medical attention. § 87(2)(b) was released at 4:40am with summons #§ 87(2)(b) issued by Officer Bedell, and § 87(2)(b) was released at 4:50am with summons #§ 87(2)(b) issued by Officer Palmer. § 87(2)(b) was charged with § 87(2)(b).

§ 87(2)(b) was logged in at 4:02am and was released at 4:30am with summons #§ 87(2)(b) for § 87(2)(b), issued by Officer Carrylhockaday. His condition was "apparently normal" and he did not request medical treatment.

§ 87(2)(b) and § 87(2)(b) were logged in at 4:05am. § 87(2)(b) listed as "apparently normal" with no medical treatment requested, was released at 5:00am with summons #§ 87(2)(b) for § 87(2)(b) issued by Officer Flores. § 87(2)(b) was "apparently intox, not to the point req hospitalization" but he was transported to § 87(2)(b) at § 87(2)(b). He was charged with § 87(2)(b). § 87(2)(b) and § 87(2)(b) were "apparently normal" and neither requested medical treatment. § 87(2)(b) was charged with § 87(2)(b), and it was noted that he had outstanding warrants. § 87(2)(b) was charged with § 87(2)(b).

§ 87(2)(b) was logged in at 4:45am. He was "apparently normal," did not request medical treatment, and was charged with § 87(2)(b).

§ 87(2)(b) was logged in at 8:40am. His arrest time is listed as 3:42am. He was charged with § 87(2)(b). He was listed as "apparently normal."

- *Summons #§ 87(2)(b)*

The summons was issued to § 87(2)(b) by Officer Flores for § 87(2)(b).

- *Summons #§ 87(2)(b)*

The summons was issued to § 87(2)(b) by Officer Carrylhockaday for § 87(2)(b).

- *Summons #§ 87(2)(b)*
The summons was issued to § 87(2)(b) by Officer William Bedell for § 87(2)(b).
- *Summons #§ 87(2)(b)*
The summons was issued to § 87(2)(b) by Officer Drew Palmer for § 87(2)(b).
- *§ 87(2)(b) Warrant Sheet*
The warrant sheet shows two open warrants for § 87(2)(b) #§ 87(2)(b).
- *Property Vouchers § 87(2)(b)*
The vouchers detail property confiscated from § 87(2)(b) including admission tickets, a drink menu, a ticket sign, a ticket roster, photographs of alcohol, a statement from § 87(2)(b) and a total of 204 bottles of beer and 24 bottles of liquor and champagne.
- *Line of Duty Paperwork: Officer Demetrios Kola*
Officer Kola stated that, while responding to a large fight, he was maced in the face, head, and neck. He then engaged in a foot pursuit for several blocks, while caused him trouble breathing. § 87(2)(b) Officer Kola's AIDED report notes the same. Officer Zeke Buttermark prepared a witness statement offering no further information except that Officer Kola was maced while attempting to subdue an unnamed "perpetrator."
- *Line of Duty Paperwork: Officer Richard Rainero*
Officer Rainero stated that he inhaled mace and then engaged in a foot pursuit. § 87(2)(b) Officer Kopystianskyj prepared a witness statement stating the same. § 87(2)(b)

Criminal Conviction History/Disposition of Charges

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
 § 87(2)(b)
 § 87(2)(b)
 § 87(2)(b)
 § 87(2)(b)
 § 87(2)(b)
 § 87(2)(b)

CCRB History

This is the first and only CCRB complaint involving § 87(2)(b) (case #§ 87(2)(b) was closed as a duplicate), § 87(2)(b)

and § 87(2)(b)
 Officer Flores (15 years in the NYPD), Officer Odonnell (8 years), Officer Mulcahy (17 years), Officer Taylor (2 years), and Officer Sansone (2 years) have no substantiated allegations on their CCRB records. Officer Bedell, a 19-year NYPD veteran, had allegations of force (push/shove and unspecified other force) substantiated against him in case 9301815. There was no recommended discipline. Officer Bedell also had an allegation of discourtesy substantiated against him in case 200200161. He pleaded guilty at DCT, and received a command discipline B.

Conclusions and Recommendations

Officer Identification

§ 87(2)(g)
 § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) claimed that Officer Odonnell grabbed him, forcefully twisted his arm twice, and then handcuffed him while § 87(2)(b) was still standing on his feet. § 87(2)(b) further alleged that an unknown officer struck him with a nightstick or asp and kicked him while he was still also standing. Officer Odonnell claimed that § 87(2)(b) struck him in the shoulder, after which Officer Odonnell took him to the ground. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Pleading of Allegations

§ 87(2)(g)

Allegations Not Pleaded

No allegations were pleaded that were made by any civilian who did not provide a sworn statement for this investigation.

Recommended Dispositions

Allegation A: Officers used physical force against § 87(2)(b)

and § 87(2)(b)

Allegation F: An officer spoke rudely to § 87(2)(b) **and** § 87(2)(b)

Allegation G: An officer threatened to arrest § 87(2)(b) **and other** § 87(2)(b)

Allegation H: Officers struck § 87(2)(b) **and** § 87(2)(b) **with asps and/or nightsticks.**

Allegation K: Officers used pepper spray against § 87(2)(b) **and** § 87(2)(b)

Allegation O: An officer refused to provide his shield number to § 87(2)(b)

§ 87(2)(g)

Allegation B: Officer David Sansone used physical force against § 87(2)(b)

§ 87(2)(b) alleged that Officer Sansone pushed him backwards forcefully and told him to leave the scene. § 87(2)(g)

Allegation C: Officer David Sansone spoke rudely to § 87(2)(b)

§ 87(2)(b) alleged that the officer that pushed § 87(2)(b) (identified by § 87(2)(b) as Officer Sansone) told him to “get the fuck out of here.” Officer Sansone denied using any profanity. § 87(2)(g)

Allegation D: Officer William Bedell used physical force against § 87(2)(b)

While both § 87(2)(b) and § 87(2)(b) both stated that an officer had his foot on § 87(2)(b)'s neck, § 87(2)(b) stated that the officer's foot was on the top of her back near her shoulder

blades. Officer Bedell maintained that his foot was on § 87(2)(b)'s lower back. § 87(2)(b) did not complain of any excessive pressure on her back or report any pain as a result of the foot on her back.

§ 87(2)(g)

Allegation E: Officer David Taylor struck § 87(2)(b) with an asp.

§ 87(2)(g)

Allegation I: Officer Kevin Mulcahy used physical force against § 87(2)(b)

§ 87(2)(b) alleged that an officer came up behind § 87(2)(b) and hit § 87(2)(b) over the head with a nightstick when § 87(2)(b) attempted to pick up § 87(2)(b)'s cellphone.

§ 87(2)(b) then stated that two other officers approached and assisted in handcuffing § 87(2)(b)

§ 87(2)(g)

During his CCRB interview, Officer Mulcahy recalled that § 87(2)(b) pushed an officer who had just handcuffed or was just about to handcuff § 87(2)(b) or her combatant, and thought that § 87(2)(b) might have been one of the females' boyfriends. § 87(2)(g)

Officer Ramsingh's arrest paperwork indicated that § 87(2)(b) punched or hit Officer Mulcahy, causing injury to Officer Mulcahy's rotator cuff, but Officer Mulcahy did not mention that in his interview. Rather, Officer Mulcahy described his involvement in § 87(2)(b)'s arrest as minimal. Furthermore, Officer Ramsingh's paperwork did not mention § 87(2)(b) pushing any officer prior to his struggle with Officer Mulcahy.

§ 87(2)(g)

Allegation J: Officer David Taylor used pepper spray against § 87(2)(b)

Allegation L: Officer Nelida Flores used pepper spray against § 87(2)(b) and

§ 87(2)(b)

Patrol Guide Procedure 212-95, pertaining to the use of pepper spray, states that police officers may use pepper spray "in situations when the uniformed member of the service reasonably believes that it is necessary to:

- a. Protect self, or another from unlawful use of force (e.g., assault)
- b. Effect an arrest, or establish physical control of a subject resisting arrest..."

§ 87(2)(g)

§ 87(2)(g)

Officer Taylor and Carreras both recalled that a crowd of 8-10 civilians approached the corner, coming less than ten feet from Officer Taylor. Officer Taylor stated that he told them to leave multiple times but they did not comply. § 87(2)(b) inside the Greenwich Village Bistro, testified that a crowd came West on Carmine Street towards Bleecker Street as § 87(2)(b) was being arrested and approached the officers, yelling about how § 87(2)(b) and the female she had been fighting with were being treated. § 87(2)(b) stated that an officer discharged his pepper spray from a distance of approximately eight feet and that it appeared that the officer was trying to prevent the crowd from reaching § 87(2)(b). Officer Taylor corroborated that account exactly, as did Officer Carreras.

§ 87(2)(g)

§ 87(2)(g)

Allegation M: Officer Nelida Flores used pepper spray against § 87(2)(b)

Allegation N: Officer Nelida Flores spoke rudely to § 87(2)(b)

§ 87(2)(b) allegedly observed Officer Flores standing in the street and discharging her pepper spray indiscriminately on a crowd of people on the sidewalk. He further alleged that Officer Flores called him a “motherfucker.” Officer Flores admitted to using her pepper spray multiple times, but claimed that in each instance she sprayed individuals who were fighting and refused orders to stop. Officer Flores denied calling § 87(2)(b) a “motherfucker.”

Patrol Guide Procedure 212-95 states that officers should, “avoid discharging pepper spray indiscriminately over a large area for disorder control.” § 87(2)(g)

Allegation P: Officer Kevin Odonnell used physical force against § 87(2)(b)

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: